

# STEPHEN A. DOUGLAS

HIS LIFE, PUBLIC SERVICES,  
PATRIOTISM, AND SPEECHES



*Amos A. Lawrence*

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# **STEPHEN A. DOUGLAS**

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**HIS LIFE  
PUBLIC SERVICES, SPEECHES  
AND PATRIOTISM**

*By Clark E. Carr*

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# STEPHEN A. DOUGLAS

## HIS LIFE PUBLIC SERVICES, SPEECHES AND PATRIOTISM

BY

CLARK E. CARR, LL.D.

AUTHOR OF "THE ILLINI," "MY DAY AND GENERATION"  
"LINCOLN AT GETTYSBURG," ETC.

ILLUSTRATED



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1909

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## FOREWORD

THE author of this work has been for several years considering making an attempt to place Senator Douglas before the public as he appeared, when a conspicuous actor in public affairs, a half century ago. While the author then was and still is a Republican in politics, identified with the party that was directly in antagonism to Senator Douglas and his later policies, he has become satisfied that but scant justice has been done to the Senator—that his nobility and purity of character, and sublime patriotism, and transcendent abilities have not been appreciated as they deserve to be.

Abraham Lincoln, in grandeur of character and achievements, became so exalted as to overshadow, for a time, the work of the great Senator; but the patriotic people of America should never forget the public services of Senator Douglas. Great as is the fame of Mr. Lincoln, it may be doubted whether his name would have ever been known to any considerable degree beyond the limits of the State of Illinois, but for his proving himself to be able to meet and successfully cope with the Senator in what are known as *The Lincoln-Douglas debates*, and it may also be doubted whether President Lincoln could have been successful

in the mighty work of maintaining the integrity of the Nation but for the timely support of Senator Douglas.

The name of Senator Douglas is usually connected with the repeal of the Missouri Compromise and the legislation incident thereto, and as the champion of the doctrine of "popular sovereignty." Comparatively few remember that, before these measures were proposed, or even thought of, he had, through his broad and comprehensive views, and his potentiality in the discussion of and solving important public questions, become the foremost American statesman.

Those who remember the potentiality of Senator Douglas, and who have a proper conception of his character and statesmanship, are rapidly passing away. Because of this the publishers wished to have one whose memory goes back to those *ante bellum* times, and who knew both Lincoln and Douglas, to give some of his recollections of the stirring events in which they acted, and so the author has consented to carry into execution the work he has long contemplated. He will be more than satisfied if he has succeeded in placing the great Senator before the reader as he deserves.

CLARK E. CARR.

GALESBURG, ILLINOIS, September 1, 1909.

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# STEPHEN A. DOUGLAS

## CHAPTER I

### FIRST APPEARANCE IN ILLINOIS

**S**LENDER of figure, only five feet four in height, and only twenty years old, without a friend and with scarcely an acquaintance within a thousand miles, with but a few cents in his pocket, Stephen A. Douglas, in the Spring of 1833, walked into the town of Winchester in Scott County, Illinois, with his coat on his arm, in the hope of being able to find employment.

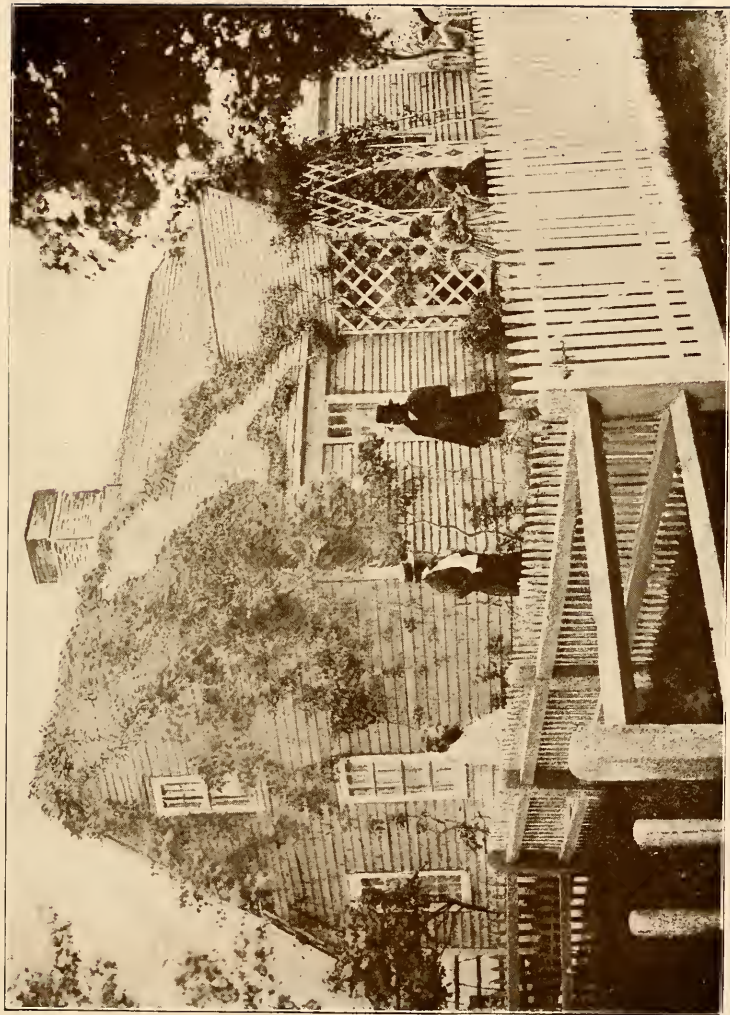
As he proceeded along the main street of the town he saw quite a number of people assembled, and learned that there was to be an auction of the goods and chattels and live-stock of some citizen of the county. The young man paused to ask a question, when he was asked whether he could write and keep accounts; to which he replied in the affirmative. It was then proposed to him that he act as clerk of the auction, and he engaged to do so at the wages of two dollars a day. The auction continued for three days, and he was paid six dollars for his services.

This was the first money he ever earned.

The young man soon found an opportunity for more permanent employment by opening a private school. He got together forty scholars for a term of three

months, at three dollars a scholar, which gave him enough for his immediate wants. He had studied the law in an Eastern State and, while thus teaching, he continued that study.

Within ten years after that friendless boy walked into that town, he had been admitted to the bar, immediately becoming a successful lawyer; had been a member of the Illinois Legislature; had been Prosecuting Attorney; had been Register of the Land Office at Springfield; had been Secretary of State of Illinois; had been a Judge of the Supreme Court of Illinois, presiding upon the bench; and was on his way to Washington to take his seat in the Lower House of Congress, to which position he had been elected. When the Congressional term expired he was reëlected, and then reëlected again, each time by increased majorities. When about to enter upon his third term in the Lower House of Congress he was elected to the United States Senate for six years. When that term in the Senate expired he was reëlected for another term practically without opposition. Six years later he was confronted by Abraham Lincoln in the great debates; he was victorious, and was reëlected to a third term; upon this he served but little more than two years, when he died, at forty-eight years of age.



BIRTHPLACE AT BRANDON, VERMONT



## CHAPTER II

### EARLY LIFE

**D**OUGLAS was born at Brandon, Vermont, on the twenty-third of April, 1813. During his infancy, his father, Dr. Douglas, died. The child grew up on a farm, working in the field in the Summer and attending district school during the Winter. At fifteen he expected to be sent to college; but his widowed mother could not afford such an outlay, and he was apprenticed to a cabinet-maker and became proficient at the trade. It was said facetiously, after he became dominant in public affairs at Washington, that he was still a *cabinet-maker*, proficient in *making Cabinets and Bureaus*.

When he was seventeen, his mother married again and moved to Canandaigua, New York, taking the boy with her. He then had the advantages of the fine academy located there, of which he availed himself, and became an excellent scholar. He remained at Canandaigua for three years, and, in addition to his academic studies, he found time to study law in the office of one of the leading lawyers of the place. From Canandaigua, in 1833, at twenty years of age, he made his way alone to Illinois and appeared at Winchester, as has been stated.

## CHAPTER III

### HIS POLITICAL PROMINENCE

SENATOR DOUGLAS was several times presented by Illinois for nomination to the Presidency in Democratic national conventions, and finally in 1860 received a majority of the votes of the convention and became a candidate before the people; but the Southern wing of the party which opposed him withdrew, claiming that, under the two-thirds rule of the Democratic party, he was not regularly nominated. In that election Senator Douglas received an enormous popular vote for President, but Abraham Lincoln was elected.

Stephen A. Douglas was for several years the foremost American statesman. For nearly a quarter of a century he was prominently connected with, and potential in, all the great measures that came before the country.



## CHAPTER IV

### A JACKSON DEMOCRAT

WHEN Douglas first arrived in Illinois, Andrew Jackson was President and was just entering upon his second term of office, having been reelected the year before.

During all the youth of Stephen A. Douglas, Andrew Jackson was his *beau ideal* of an American patriot and statesman. The battle of New Orleans was fought and won by the intrepid hero when Douglas was two years old.

General Jackson was a man of most remarkable resources. The victory was won through his extraordinary strategy. To accomplish the result he deemed it necessary to declare martial law, under the rigor of which men were executed. He was on account of this confronted with many embarrassments by the actions of his own people, by American citizens who did not realize that a dictatorship alone could save the city of New Orleans and the State of Louisiana to the Union. The General found it necessary to arrest the United States Federal Judge, and imprison and finally banish him. When, after the victory, martial law was discontinued and civil government resumed, the Judge returned and fined General Jackson a thousand dollars for contempt of court. Friends tried to pay the fine, but the

General refused to permit it and paid it himself. These complications created bitter feelings of animosity, which resulted in a Jackson and an anti-Jackson party. The controversies were taken up by the country, and General Jackson became at once the most honored and the most detested of men. The Jackson men could not say enough in praise of their hero, and the anti-Jackson men could not say enough against him. He was called a murderer and an ignorant boor by one party, while the other regarded him as the sublimest of heroes and the noblest of patriots.

This controversy raged during the entire minority of Stephen A. Douglas. A youth of such strong character and such intensity of feeling could not keep out of the controversy. He must champion one side or the other. He was a Jackson boy and a Jackson man so long as his hero lived.

When the boy was eleven years old General Jackson first became a candidate before the people for President of the United States. He was not elected, but his popularity proved to be great. Four years later, when the lad was fifteen years old, General Jackson was again a candidate and was elected. Young Douglas was nineteen years old when General Jackson was reëlected to a second term. Having from his earliest childhood been interested in and following so closely the career of his hero, who had constantly been the central figure in public life, no other man was so familiar with his history and no other championed him with greater zeal than did young Douglas.

During the term of the school he taught, young





ANDREW JACKSON, PRESIDENT 1829-1837

From a portrait loaned by the Smithsonian Institution



Douglas had made himself familiar with the Illinois statutes and reports, and was admitted to the practice of the law; and when the school closed, he opened an office in Jacksonville. From the first he found clients.

President Jackson had but a short time before removed the Government deposits from the National Bank, and vetoed its charter. A meeting was called in the Courthouse to indorse the President, and Douglas, young as he was, was called upon to present the resolutions, which were violently opposed. To the astonishment of everybody this stripling who had but just attained his majority, this *petite* stranger, this little man, made the finest address in vindication of the hero President, that had ever been heard in Jacksonville. His appearance to champion such a cause was at first regarded as ludicrous, and he was an object of derision; but, as he proceeded, men listened and became absorbed in his statements, his arguments, his illustrations, his citing of precedents, his conclusions, to such a degree as to realize that they had before them in that young man an orator and a statesman. This, it must be remembered, was in the most cultivated, scholarly, and the only college town in Illinois. The long years of study and training under the spell of this hero worship which had been the inspiration of his life had borne fruit.

President Jackson was in himself the embodiment of Democracy, and Stephen A. Douglas had thus already proven himself to be the best informed and the ablest champion of the Democratic party in Illinois. In an incredibly short time his fame extended to all that region and throughout the State.

So great had become the reputation of the young orator, and so great his influence, as to alarm the Whigs, who came to realize that, unless checked, he would carry the whole people with him. The ablest men were pitted against him. He met them fearlessly in joint debate, and not only held his own but constantly added to his reputation and strengthened himself with the people.

The Rev. Wm. H. Milburn, since chaplain of the United States Senate, known as the blind orator, describes Douglas, as he saw him engaged in one of these contests, as follows :

“The first time I saw Mr. Douglas was in June, 1838, standing on the gallery of the Market House, which some of my readers may recollect as situated in the middle of the square at Jacksonville. He and Colonel John J. Hardin were engaged in canvassing Morgan County for Congress. He was on the threshold of that great world in which he has since played so prominent a part. I stood and listened to him surrounded by a motley crowd of backwood farmers and hunters dressed in homespun or deerskin, my boyish breast glowing with exultant joy, as he, only ten years my senior [Douglas was then twenty-five], battled so bravely for the doctrines of his party with the veteran and accomplished Hardin. . . . He even then showed signs of that dexterity in debate and vehement and impressive declamation of which he has since become such a master. . . . Less than four years before, he had walked into the town of Winchester, sixteen miles from Jacksonville, an entire stranger, with thirty-seven and a half cents in his pocket, his all of earthly fortune.”

## CHAPTER V

### MARTIN VAN BUREN

**I**N those days there were no packed caucuses, no political bosses, no delegates, and no nominating conventions. Any man could become a candidate by announcing himself or by having his friends announce him. It was in this way that all the prominent men of those days in Illinois first became candidates before the people.

The machine politicians, the bosses, and the caucus managers, were not then able to crowd out men of ability and to fill public places with men of calibre similar to their own.

Soon after the appearance of Douglas in politics came a Presidential campaign. General Jackson's second term was drawing to a close. The General could not himself be again a candidate, but he could dictate the choice of his successor. He chose his friend and former cabinet officer, who was Vice President, having been elected upon the same ticket with himself, Martin Van Buren. There was no question after General Jackson spoke as to Douglas's choice. President Jackson's opinions were always followed by the young orator. He canvassed the State for Van Buren, who triumphantly carried it, and was elected.

When that campaign closed, Stephen A. Douglas at the age of twenty-four was the best-known public man in Illinois.

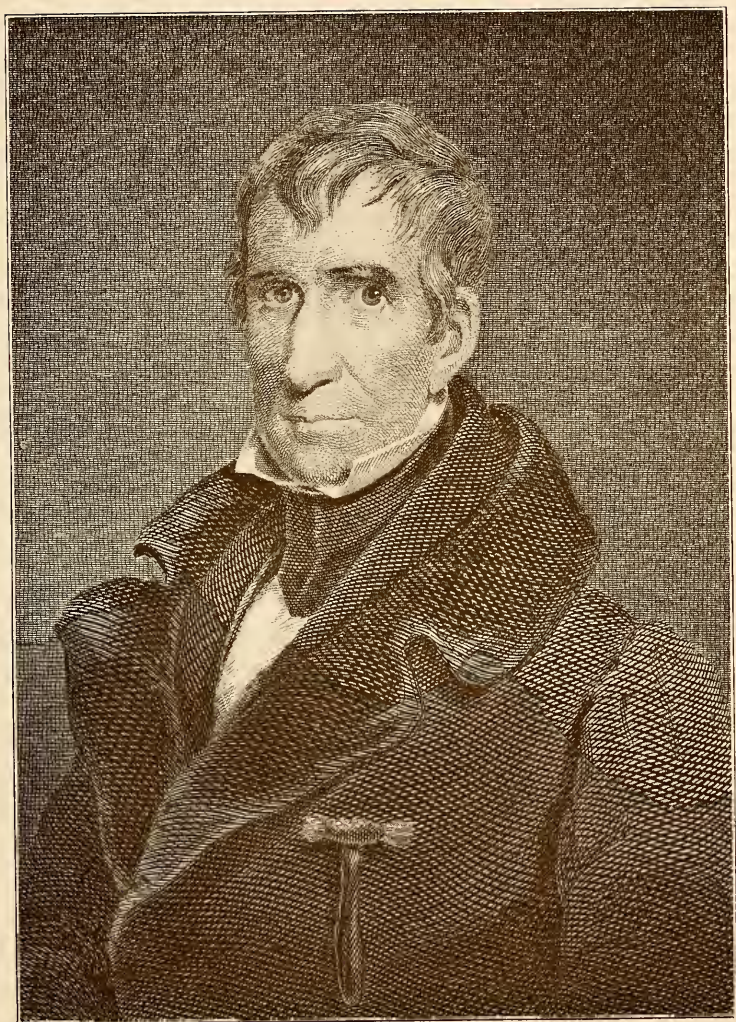
As we have stated, Douglas was chosen for and held positions of trust and responsibility, almost from the time he appeared in the State. To the duties of these offices he gave careful attention, in addition to his marvellous work "on the stump." When he could not give personal attention to details he always found faithful and efficient help. There were no scandals in his administration of public office.

Douglas had now become more potential than any other Democrat in Illinois. The time again came when, in order to hold the State to the Democracy, he must put forth his whole strength.

Van Buren's term drew to a close, and General Jackson, still wishing to maintain his influence and power, proclaimed from his retreat at the Hermitage his desire for Mr. Van Buren's reëlection. With Douglas the will of Jackson still was law, and, desperate as was the contest, never was a candidate for President supported with such zeal and with such efficiency in his candidacy for reëlection as was Martin Van Buren by Stephen A. Douglas.

In that year (1840) such a political tidal wave swept over the country as had never before been known. The country was deluged, overwhelmed by it. The song of "Tippecanoe and Tyler too" reverberated throughout the land. Hard cider was on tap in every house, and coon-skins were the emblems nailed upon nearly every cabin door.





WILLIAM HENRY HARRISON





It seemed futile to attempt to stem the tide, but Stephen A. Douglas by the majesty of his power saved Illinois to General Jackson, to Van Buren, and to the Democratic party. Never had there been such a campaign as he made. In the midst of the craze for hard cider and coon-skins, the din of campaign music, the hoarse plaudits of campaign orators, the cheers for "Tippecanoe and Tyler too" upon the prairies, rose the voice of Stephen A. Douglas calling the people to halt, and hold fast to the principles of the mighty chieftain who had so long been their guiding star. In the campaign, Douglas, then but twenty-seven years old, was far and away the foremost orator in Illinois. He spoke for seven months, addressing two hundred and seven different political meetings. It was then that he began to be generally known as "The Little Giant."

Illinois and New Hampshire were the only Northern States that gave their electoral votes to Mr. Van Buren and against William Henry Harrison.

## CHAPTER VI

### DOUGLAS TAKES HIS SEAT IN CONGRESS

**S**ENATOR DOUGLAS took his seat in Congress in December, 1843. He was then thirty years old, and, as has been said, it was but ten years since he first appeared in Illinois.

Curiously his first effort and success was in vindication of the hero whom he had worshipped and followed from his childhood. Judge Hall of the Federal Court at New Orleans had, as has been stated, fined General Jackson a thousand dollars, which the hero had paid out of his own pocket. A bill had been for several years pending in Congress to refund that money to the General, and, although he had since served two terms as President of the United States, the bill, thus far, could not be passed. Douglas waited modestly a proper time for a new member before venturing to put himself forward, and when he did, his appearance in debate was in support of the bill in vindication of the acts of General Jackson arguing that they were not only justifiable, but that Jackson would have been recreant to his duty had he failed to declare martial law and carry into effect such drastic measures as he adopted.

The right and the duty under the conditions that confronted General Jackson, of proclaiming martial law, and suspending the privilege of the writ of

*habeas corpus*, was so clearly shown in the speech of Mr. Douglas that the bill was passed and became a law. The interpretation of the law in this matter by Mr. Douglas was made so plain that it was followed as a precedent in the Civil War.

## CHAPTER VII

### THE OLD MAN ELOQUENT

**J**OHAN QUINCY ADAMS was then a member of the House. This great man had gone through all the gradations of political preferment — United States Minister to the greatest countries of the earth, United States Senator, Secretary of State, and had finally reached the highest goal of all American statesmen, the Presidency. At the end of his Presidential term he was tendered by his fellow-citizens of Massachusetts a seat in the House of Representatives, where he served for seventeen years, until finally stricken down in his seat with paralysis while still devoting himself to his country's service. He was the son of John Adams, the second President of the United States, and a graduate of Harvard, where he was for a time a professor. No living American had had such extraordinary opportunities and such experiences, and few were so learned. He was called "the old man eloquent."

It was perhaps but natural and inevitable that the great statesman should not at first have looked with favor upon the ambitious young man who came into the House as one of the representatives of a new State of the West. When Douglas entered Congress Mr. Adams had been a member of the House for twelve



*M Van Buren*

MARTIN VAN BUREN



years, and was necessarily a leader. It has since been brought to light that Mr. Adams in his diary called the young Douglas a *homunculus*, and describes him as "raving out his hour in abusive invectives, his face convulsed, his gesticulation frantic," and lashing himself into such heat that, if his body had been made of combustible matter it would have burned out.

"In the midst of his roaring, to save himself from choking, he stript off and cast away his cravat, unbuttoned his waistcoat, and had the air and aspect of a half naked pugilist."

Mr. Adams was no doubt very much prejudiced against what seemed to him an upstart. No doubt Mr. Douglas had acquired some of the ways of public speaking that were then common in the West. If Douglas really had taken on some of these peculiarities he very soon, without losing his force and vigor, so adjusted himself to the new conditions as to gain the respect and good will of all the members of the House. He certainly proved himself capable of taking care of himself, even in a conflict with Mr. Adams.

## CHAPTER VIII

### THE MEXICAN WAR

DOUGLAS was an earnest and most enthusiastic supporter of his party and of the administration of President Polk in advocacy of the prosecution of a war with Mexico. He believed in the war, and did not object to the acquisition through the war of new territory. He looked with longing eyes toward the vast region west of that we had acquired by the Louisiana Purchase. It was afterwards claimed by his friends that but for him there would have been no Mexican war, and that to him more than to any other were we indebted for the acquisition of California, New Mexico, and Arizona.

Mr. Adams represented that New England Northern sentiment which was, above everything else, fearful that, if our territory were extended to the southwest the South might acquire preponderance in the Government. Consequently Mr. Adams was violently opposed to the Mexican war.

Mr. Adams soon found that there was more in this stripling of thirty, whom he had designated as a *homunculus* than he at first supposed.

Never were the tables turned upon an adversary in debate more completely and triumphantly than Douglas turned them upon the venerable statesman, and



never was an antagonist discomfited and overwhelmed in a manner so courteous and complimentary. For completeness and conclusiveness in turning the positions and arguments and conclusions of an adversary against himself, that of the youthful Douglas upon the venerable Mr. Adams has no parallel. Never was another man silenced in a manner so flattering to himself.

The Mexicans had made attacks upon Americans on the east side of the Rio Grande River. This, declared Douglas, and all the supporters of the administration, was an invasion of our territory and, therefore, clearly a *casus belli*. The opponents of the war declared that Texas did not extend to the Rio Grande but only to the Nueces River. The Mexicans, while they crossed the Rio Grande, did not cross the Nueces. Therefore, declared the anti-war party, there had been no invasion of our territory and there was no *casus belli*. The whole question turned upon what was the western boundary of Texas. Mr. Adams was especially strenuous and earnest in taking the position that the western boundary of Texas was the Nueces River and not the Rio Grande. By a series of questions Douglas made Mr. Adams commit himself most positively to that position.

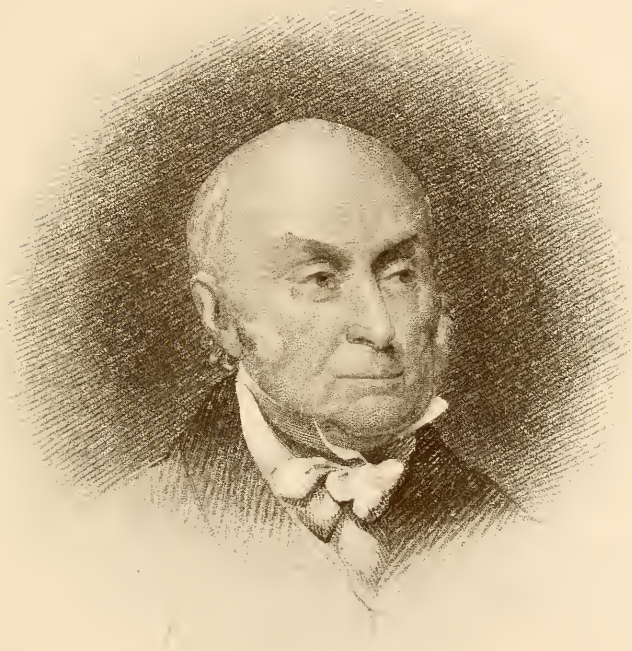
When the venerable statesman had entirely and fully so committed himself, Douglas drew from his desk a printed volume the contents of which he proceeded to explain. It was a despatch prepared by Mr. Adams himself nearly thirty years before, while Secretary of State in President Monroe's cabinet, which proved

beyond question that the Rio Grande River was the western boundary of Texas and that the country between the Nueces and the Rio Grande was a part of Texas.

Never in all of his illustrious public career, running through a period of more than half a century, was the great statesman so completely discomfited, and it may be doubted whether he ever received such flattering commendation.

In presenting the document to the House Mr. Douglas said :

“Texas (before her revolution) was always understood to have been a portion of the old province of Louisiana, whilst Coahuila was one of the Spanish provinces of Mexico. By ascertaining the western boundary of Louisiana, therefore, prior to the transfer by France to Spain, we discovered the dividing line between Texas and Coahuila. I will not weary the patience of the House by an examination of the authorities in detail. I will content myself by referring the gentleman to a document in which he will find them all collected and analyzed in a masterly manner, by one whose learning and accuracy he will not question. I allude to a despatch (perhaps I might with propriety call it a book from its great length) written by our Secretary of State in 1819 to Don Onis, the Spanish Minister. The document is to be found in the State papers. He will there find a multitudinous collection of old maps and musty records, histories, and geographies — Spanish, English, and French — by which it is clearly established that *the Rio del Norte was the western boundary of Louisiana*, and so considered by Spain and France



JOHN QUINCY ADAMS



both, when they owned the opposite banks of that river. The venerable gentleman from Massachusetts (Mr. Adams) in that famous despatch reviews all the authorities on either side with a clearness and ability which defy refutation, and demonstrate the validity of our title by virtue of the purchase of Louisiana. He went further and expressed his own convictions, upon a full examination of the whole question, that our title as far as the Rio del Norte, was as clear as to the Island of New Orleans. This was the opinion of Mr. Adams in 1819. It was the opinion of Messrs. Monroe and Pinckney in 1805. It was the opinion of Jefferson and Madison — of all our Presidents and of all administrations from its acquisition in 1803 to its fatal relinquishment in 1819.”

In the lapse of nearly thirty years, during which there had been crowded into his life the duties and vast responsibilities of Secretary of State, the Presidency, and membership of that House, besides all his literary work, it is not remarkable that the memory of that famous despatch was crowded out.

In reply “the grand old man” pleaded that he made the best case possible for his country, as he surely did — so good a case as to set at rest the dispute upon the question of the boundary of Texas.

## CHAPTER IX

### THE OREGON BOUNDARY

IT is difficult for people of this generation to realize how much was involved in the question of the northern boundary of Oregon. Our people claimed that the western coast almost up to the present boundary of Alaska, to the parallel of fifty-four degrees and forty minutes, then designated as Oregon, belonged to us. Great Britain claimed that that whole coast clear down to California belonged to her. Fur traders and trappers of both nations had made their way into those wild regions and through this, both the United States and Great Britain had indefinite and inchoate claims to certain localities. British vessels had skirted along the Pacific coast and ascended for short distances rivers that flowed into the ocean. As a legal proposition the question of title turned in a great degree upon discovery and occupancy, — whether the Hudson's Bay Company, a British commercial organization and its agents, or the American Fur Company and its agents had been foremost in discovering and most persistent in holding the territory. Really, if ever a matter of momentous importance depended upon determined, united, positive aggressiveness — call it *nerve*, *gall*, or what you will — on the part of the United States, it was the Oregon boundary question.



Senator Douglas declared that our title to the Oregon country, up to fifty-four degrees and forty minutes, was clear and unquestionable and that he never would, now or hereafter, yield up one inch of Oregon to either Great Britain or any other government.

He believed that, if our Government could be so aroused as to present a united front; an inexorable determination in claiming all that region as ours, Great Britain would yield as she did on the northeastern boundary question which was finally fixed by the Ashburton Treaty. The Senate was then unanimous in asserting the justice of our claim and the House of Representatives stood one hundred and ninety-seven for it, with but six against it. Senator Douglas insisted that if we would be so united upon the Oregon question, all that vast region would be conceded to us and that there would be no war, but that we could better afford to fight than surrender it. He realized, as did few other men, the importance to us of our having the territory between the present boundary, as finally settled upon, and the parallel of fifty-four degrees and forty minutes. He said that out of that region could be carved three states as large as Illinois, of, when developed, almost unlimited resources, and he knew that, with all her other vast enterprises, that wild region was not regarded as of very great importance to Great Britain. He said that an empire was involved in the controversy. One will realize that the Senator did not overestimate the importance to us of this controversy if he will now go and see that country; if he will traverse Puget Sound, the Gulf of Georgia, and the Straits of

Juan de Fuca and get an idea of the vast commerce to the Orient that is springing up.

Upon this northwestern boundary question Douglas found himself working with, and under the leadership of, the "Old Man Eloquent," John Quincy Adams. In the course of a speech upon the Oregon question Mr. Adams avowed himself in favor of the course of Frederick the Great in regard to Silesia, to "take possession first, and negotiate afterwards."<sup>1</sup> The country became so interested in the matter that "Fifty-four forty or fight" became the watchword of the Democratic party. Upon this cry James K. Polk had been elected President.

But the South did not care to give the North the preponderance in the nation by adding several more free States on the Northwest. Because of this our claim was not pressed with earnestness and vigor except by Senator Douglas, who constantly urged that if we presented a united front, if the United States would unite in the determination to fight rather than give up that region, if we would adhere to the "fifty-four forty or fight" doctrine, our claim would be conceded; and he voted to the last for holding to our claim.

The representatives of Great Britain were not slow in understanding precisely the embarrassment of our position on account of the jealousy between the sections, and they pressed their claim much stronger, no doubt, than they otherwise would have done. After much negotiation a compromise was entered into fixing the present boundary line on the forty-ninth parallel of latitude.

<sup>1</sup> It will be observed that in this controversy the North was especially interested as none of that region could become slave territory.



## CHAPTER X

### THE ILLINOIS CENTRAL RAILWAY

SENATOR DOUGLAS was not the pioneer in proposing and advocating the building of the Illinois Central Railway. Judge Sidney Breese was the projector and originator of the enterprise. But justice to the memory of Senator Douglas requires that it be said that he carried the measure through Congress and made it possible to build that great highway. He threw himself into the project with all the energy and enthusiasm of his great nature and brought to its support most of the other leading statesmen of the country.

A vast grant of land was necessary to make the road possible. The road was projected through a wilderness for a distance of four hundred miles — a vast stretch of boundless uninhabited prairies. Lands that now sell at a hundred and more dollars per acre could not be sold at a dollar and a quarter an acre, the Government price.

By the franchise every alternate section was granted to the railway, and those reserved by the Government, the other alternate sections, were doubled in price and placed at two and a half dollars an acre. Besides this the railway company was required to pay seven per cent of its gross earnings into the State treasury of

Illinois for the support of the State. The amount paid into the State treasury of Illinois by the Illinois Central Railway under this wise provision already amounts to the enormous sum of \$25,596,759.10. What a boon it would have been and would still be to Kansas, Nebraska, Minnesota, the Dakotas, and other States had such a provision been placed in the charters of their land-grant railways.

The benefits of the building of the Illinois Central Railway in those early days cannot be overestimated. The Illinois Central opened to settlement a vast region of country; and not only that, it stimulated the building of other lines, the aggregate mileage of which soon became far greater than its own.<sup>1</sup>

<sup>1</sup> The Hon. Robert M. Douglas of Greensborough, North Carolina, the eldest son of Senator Douglas, writes of his father's relations to the Illinois Central Railway as follows:

"In 1836, although only twenty-three years of age, Judge Douglas, then a member of the Legislature of Illinois, moved to insert in each charter granted a clause 'reserving the right to alter, amend, or repeal this act whenever the public good shall require it.' Again in 1851, while in the Senate of the United States, he insisted that the grant of lands that secured the building of the Illinois Central Railroad should be made directly to the State of Illinois. He then had them given by the State to the Illinois Central Railroad upon condition that the road should pay forever to the State seven per cent of its gross receipts in lieu of taxes upon the original line. I am informed that under this agreement the company has for several years paid to the State of Illinois an average of over one million dollars a year. For the year ending April 30, 1906, it paid \$1,143,097.46."

## CHAPTER XI

### THE PACIFIC RAILWAY

**S**ENATOR DOUGLAS advocated a railway across the continent just as earnestly as he had championed the Illinois Central. Although the project was not carried into effect until several years after he had passed away, he was one of the first to advocate it, and his speeches in its favor had probably more influence than those of any other statesman in arousing public sentiment in its favor. But for the Civil War the building of the great railway would no doubt have been entered upon very soon after Senator Douglas so eloquently and earnestly declared himself in favor of building it. Again and again he urged the importance of such a great highway.

On the seventeenth of April, 1858, in an elaborate and exhaustive address in the Senate, we find him declaring upon the subject.

“I believe,” he exclaimed, “it is the greatest practical measure now pending before the country. I believe that we have arrived at that period in our history when our great substantial interests require it. The interests of commerce, the great interests of travel and communication, those still greater interests which bind the nation together and are to make and preserve the continent as one and indivisible, all demand that this road shall be

commenced, prosecuted, and completed at the earliest practicable moment.

"I am unwilling to postpone the bill until next December. . . . I think, Sir, we had better grapple with the difficulties that surround this measure now, when it is fairly before us, when we have time to consider it as dispassionately, as calmly, as wisely, as we shall ever be able to do.

"I have regretted to see the question of sectional advantage brought into this discussion.<sup>1</sup>

"If you are to have but one road, fairness and justice would plainly indicate that that one should be located as near the centre as practicable. The Missouri River is near the centre, and the line of this road is as near as it can be made; and if there is but one to be made, the route now indicated in my opinion is fair, is just, and ought to be taken. I have heretofore been of the opinion that we ought to have three roads: one in the centre, one in the extreme south, and one in the extreme north. . . . If there is to be but one the central one should be taken."

<sup>1</sup> As was the case with the Oregon question, the Mexican war, and all other great matters, the question of sectional advantages appeared,

## CHAPTER XII

### INLAND WATERWAYS

SENATOR DOUGLAS was one of the foremost to give support to practical and necessary internal improvements of all kinds, especially water navigation. He was the first statesman who showed that in the river and harbor appropriations inland navigation had not received its proper and just recognition. He frequently expressed himself in the Senate upon this matter, but never so ably as in a letter to his friend, Governor Mattison of Illinois, in the course of which he said :

“I repeat that the policy has proved worse than a failure. If we expect to provide facilities and securities for our navigation interests, we must adopt a system commensurate with our wants — one that will be just and equal in its operations upon lake, river, and ocean, wherever the water is navigable, fresh or salt, tide or no tide ; a system which will not depend for its success upon the dubious and fluctuating issues of political campaigns and Congressional combination — one which will be certain, uniform, and unvarying in its results.”

## CHAPTER XIII

### THE CLAYTON-BULWER TREATY

NONE of the great statesmen of his day took a greater interest in our foreign policy than did Senator Douglas. He hoped to see the time when the whole of North America would be brought under the beneficent influences of our institutions and rest beneath the folds of our flag. He would never consent to the adoption of a policy that would limit the boundaries or paramount influence of the United States upon this hemisphere.

In regard to the possibilities of acquisition by the United States, he had the broadest views of all American statesmen up to his day.

We have seen what his position was in the Oregon controversy — how he believed in the “fifty-four forty or fight” doctrine — to fight Great Britain unless she would accede to our terms, which would have given us the whole Pacific coast clear up to Alaska. We have seen how vigorously he supported a war policy against Mexico through which we acquired California, Arizona, and New Mexico.

In none of his utterances did Senator Douglas proclaim his views more fully than when assailing the Clayton-Bulwer Treaty.

This treaty with England among other things pledged

both nations neither "ever to buy, annex, colonize, or acquire, or erect fortifications upon, any portion of Central America." Senator Douglas with all his might opposed the idea of our Government entering into such an obligation. He was not then urging the acquisition of more territory, but he regarded it as humiliating for us to make such a pledge. He predicted that the time would come when we should be embarrassed by such a pledge.



## CHAPTER XIV

### AN ISTHMIAN CANAL

ALEXANDER VON HUMBOLDT, the great German scientist and explorer, became so interested in the matter of building a ship canal to connect the two oceans that he planned and mapped out six different routes across the Isthmus. So early as 1827 Goethe, the poet and scientist, commenting upon Humboldt's theories, said :

“If they succeed in cutting such a canal that ships of any burden and size can be navigated through it, from the Mexican Gulf to the Pacific Ocean, innumerable benefits will result to the benefit of the whole human race, civilized and uncivilized. But I should wonder if the United States were to let an opportunity escape of getting such a work into their own hands.” After giving most conclusive arguments showing how important it was to us for the United States to build and control such a canal, Goethe continued, “I, therefore, repeat that it is absolutely indispensable for the United States to effect a passage from the Mexican Gulf to the Pacific Ocean, and I am certain that they will do it.”

Senator Douglas realized the importance to our Government of being in a position not merely to build but to control such a canal as was proposed a half





BARON VON HUMBOLDT



a century before our Government undertook the great work, and upon this question he was far in advance of all other American statesmen; and, because of this, he was unwilling to bind us to a treaty stipulation that might prevent or embarrass us in entering upon the great enterprise.

His argument against the Clayton-Bulwer Treaty was, that it would hinder or embarrass us, should we enter upon the work of building an Isthmian canal. Always alert to the possibilities of American enterprise, with prophetic vision Senator Douglas exclaimed in his speech before the Senate in opposition to the Clayton-Bulwer Treaty:

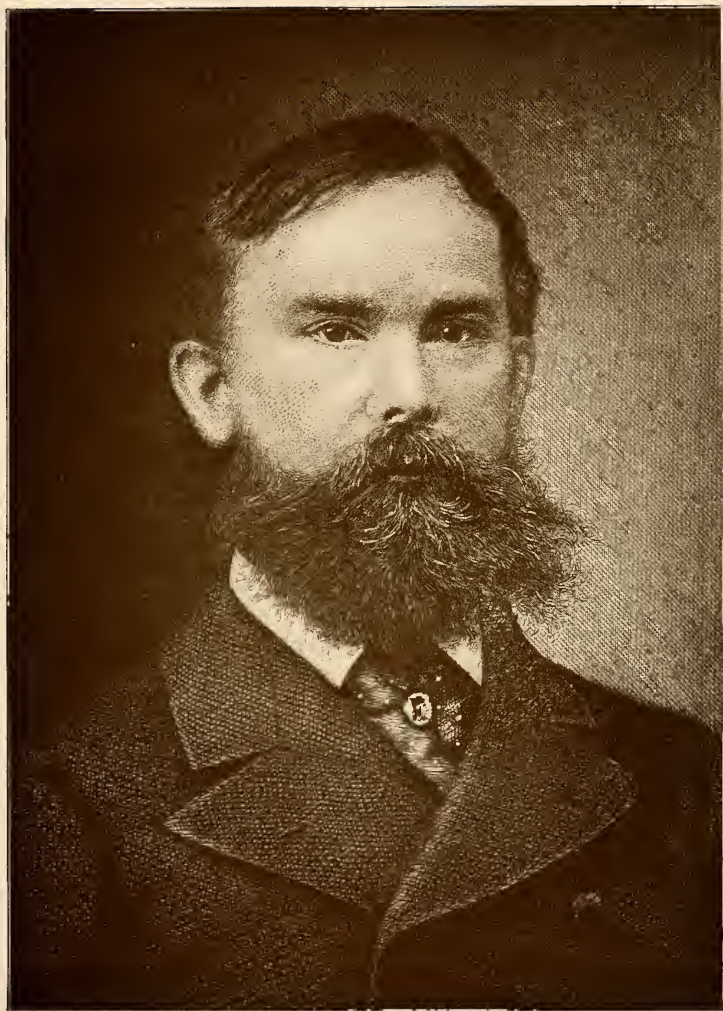
“What is the use of your guarantee that we will never erect any fortifications in Central America, never annex, occupy, nor colonize any portion of that country? How do you know that you can avoid doing it? If you make the canal, I ask you if American citizens will not settle along its line; whether they will not build up towns at each terminus; whether they will not spread over that country and convert it into an American State; whether American principles and American institutions will not be firmly planted there. And I ask you how many years you think will pass away before you will find the same necessity to extend your laws over your own kindred that you found in the case of Texas? How long will it be before that day arrives? It may not occur in the Senator’s day nor in mine, but, so certain as this Republic exists, so certain as we remain a united people, so certain as the laws of progress, which have raised us from a mere handful to a mighty nation,

shall continue to govern our action, just so certain are these events to be worked out, and you will be compelled to extend your protection in that direction.

“Sir, I am not desirous of hastening the day. I am not impatient of the time when it shall be realized. I do not wish to give any additional impulse to our progress. We are going fast enough. But I wish our policy, our laws, our institutions, should keep up with the advance in science, in the mechanic arts, in agriculture, and in everything that tends to make us a great and powerful nation. Let us look the future in the face, and let us prepare to meet that which cannot be avoided. Hence I was unwilling to adopt that clause in the treaty guaranteeing that neither party would ever ‘annex, colonize, or occupy any portion of Central America.’”

Before we, under the late administration, could enter into negotiations or turn a shovel in the direction of building the Panama Canal, that Clayton-Bulwer Treaty, against the blighting effect of which the great Senator a half-century ago warned his countrymen, — the Clayton-Bulwer Treaty, the ratification of which he opposed with all his might, had to be abrogated.

The right and duty of the United States to exercise paramount authority over an Isthmian canal were entirely inharmonious with the Clayton-Bulwer Treaty and led to many controversies with Great Britain, some of them serious and threatening; but the demands of the United States, made so long ago by Senator Douglas, which were foretold by Goethe, were finally conceded. With tact and courage and ability and perseverance, our greatest Secretary of State, John Hay, a



JOHN HAY



student and disciple of both Lincoln and Douglas, succeeded in negotiating a treaty with Great Britain abrogating the Clayton-Bulwer Treaty, and then the United States was free to build *and control* the Panama canal. This treaty is known as the Hay-Pauncefote Treaty.



## CHAPTER XV

### DOUGLAS WOULD NOT LIMIT THE BOUNDARIES OF THE REPUBLIC

**W**E found Senator Douglas proclaiming such sentiments as :

“ You may make as many treaties as you please to fetter the limbs of this great Republic, and she will burst them all from her, and her course will be onward to a limit which I will not venture to describe.

“ Fifty years ago the question was being debated in this Senate whether it was wise or not to acquire any territory on the west bank of the Mississippi, and it was then contended that we could never with safety extend beyond that river. It was at that time seriously considered whether the Alleghany Mountains should not be the barrier beyond which we should never pass. After we had acquired Louisiana and Florida, more liberal views began to prevail, and it was thought that perhaps we might venture to establish one tier of States west of the Mississippi. . . . We burst through and passed the Rocky Mountains and were only arrested by the waters of the Pacific. Who shall now say that we will not be compelled to turn to the north or to the south for an outlet? . . .

“ It is our destiny to have Cuba, and it is folly to debate the question. It naturally belongs to the Amer-



ican continent. It guards the mouth of the Mississippi River which is the heart of the American continent and the body of the American nation. Its acquisition is a matter of time only. Our Government should adopt the policy of receiving Cuba as soon as a fair and just opportunity shall be presented, whether that opportunity shall occur next year or the year after; whenever the occasion arises and presents itself, it should be embraced.

“The same is true of Central America and of Mexico. It will not do to say we have territory enough. When the Constitution was formed there was enough, yet in a few years afterward we needed more. We acquired Louisiana and Florida, Texas and California, just as the increase of our population and our interests demanded. When in 1850 the Clayton-Bulwer Treaty was sent to the Senate for ratification, I fought it to the end. They then asked what I wanted with Central America. I told them I did not want it then, but the time would come when we must have it. They then asked what my objection to the treaty was. I told them I objected to that, among other clauses, which said that neither Great Britain nor the United States should ever buy, annex, colonize, or acquire any portion of Central America. I said that I would never consent to a treaty with any foreign power pledging ourselves not to do in the future whatever interest or necessity might compel us to do. I was then told by veteran Senators, as my distinguished friend well knows [looking at Mr. Soule], that Central America was so far off we should never want it. I told them then, ‘Yes, a good way off —

half way to California and on the direct road to it.' I said it was our right and duty to open all the highways between the Atlantic and the Gulf States and our possessions on the Pacific, and that I would enter into no treaty with Great Britain or any other government concerning the affairs of the American continent.

"Here, without a breach of confidence, I may be permitted to state a conversation which took place at that time between myself and the British Minister, Sir Henry Bulwer, on that point.

"He took occasion to remonstrate with me, that my position with regard to the treaty was unjust and untenable; that the treaty was fair, because it was reciprocal — because it pledged that neither Great Britain nor the United States should ever purchase, colonize, or acquire any territory in Central America.

"I told him that it would be fair if they would add one word to the treaty so that it would read that neither Great Britain nor the United States should ever occupy or hold dominion over Central America *or Asia*. 'But,' he said, 'you have no interests in Asia.' 'No,' answered I, 'and you have none in Central America.'

"'But,' said he, 'you can never establish any rights in Asia.' 'No,' said I, 'and we don't mean that you shall ever establish any in America.' I told him it would be as respectful for us to ask that pledge in reference to Asia as it was for Great Britain to ask it from us in reference to Central America. . . .

"I am in favor of expansion as far as is consistent with our interest and the increase and development of our population and resources. . . . The more degrees of

latitude and longitude beneath our Constitution the better. . . . A young nation with all her freshness, vigor, and youth desires no limits fixed to her greatness, no boundaries to her future growth."

It was on account of his having such broad and statesmanlike views, and because he was able to vindicate them with such power, that his fame came to be, as was said by his greatest rival, "world wide."

## CHAPTER XVI

### THE COMPROMISE MEASURES OF 1850

**F**EW now realize how prominent Senator Douglas was in formulating and carrying through the Compromise Measures of 1850.

After years of the most violent and acrimonious sectional strife, culminating in a most serious and most perilous crisis, in 1850 the greatest of our statesmen assembled in Congress at Washington, and addressed themselves to the task of averting the calamity of civil war that seemed to be imminent. So appalling was the crisis that patriotic statesmen feared that internecine war was impending.

Henry Clay had retired from public life to his home in Kentucky, expecting, during his few remaining years, to enjoy the sweets of repose, which he had richly earned by long and faithful and patriotic service to his country. Known as the "Sage of Ashland," and finally as the "Great Pacificator," he left his retreat and resumed his seat in the Senate and was made the leader of the movement to effect a compromise.

After a protracted session of nearly ten months the legislation known as The Compromise Measures of 1850 was accomplished.

Those measures were :

1. The admission of California into the Union as a free State.
2. The creation of a Territorial government for Utah.
3. The creation of a Territorial government for New Mexico.
4. The adjustment of the disputed boundary of Texas.
5. The abolition of the slave trade in the District of Columbia.
6. The Fugitive Slave Law.

Senator Douglas was the author of three of these six measures, — the bill to admit California into the Union as a free State ; the creation of a Territorial government for Utah ; the creation of a Territorial government for New Mexico.

On the twenty-third of October, 1850, Senator Douglas made a speech in Chicago before his constituents on the Compromise Measures of 1850, which is a complete and exhaustive exposition of those measures.

Senator Douglas had now, upon the adoption of the Compromise Measures of 1850, served honorably in the House, had served a full term in the Senate, and was nearly half through his second term. He had, as has been shown, from the time he was firmly established in his seat in Congress, taken an active and usually a prominent part in the measures that had come before the country. He was influential in his party in every State of the Union. In his own State he controlled every Federal office ; and not only that, through his friends he controlled most of the State and county offices. He had met in debate and worsted nearly every man of the Whig party, and had, by the force of

his intellect and indomitable will, risen gradually to the supreme leadership in the Democratic party, which dominated the country. Young as he was,—only forty-one,—he was prominently put forward for the presidency.

## CHAPTER XVII

### A PORTRAYAL OF SENATOR DOUGLAS

A CORRESPONDENT of *The New York Times* gave at that time a description of him as follows :

“The ‘Little Giant,’ as he has been well styled, is seen to advantage on the floor of the Senate. He is not above the middle height; but the easy and natural dignity of his manner stamps him at once as one born to command. His massive head rivets undivided attention. It is a head of the antique, with something of the infinite in its expression of power; a head difficult to describe, but better worth description than any other in the country. Mr. Douglas has a brow of unusual size, covered with heavy masses of dark-brown hair, now beginning to be sprinkled with silver. His forehead is high, open, and splendidly developed, based on dark, thick eyebrows of great width. His eyes, large and deeply set, are of the darkest and most brilliant hue. The mouth is cleanly cut, finely arched, but with something of bitter, sad expression. The chin is square and vigorous, and is full of eddying dimples — the muscles and nerves showing great mobility, and every thought having some external reflection in the sensitive and expressive features. Add now a rich, dark complexion, clear and healthy; smoothly-shaven cheeks



and handsome throat; small, white ears; eyes which shoot out electric fires; small, white hands; small feet; a full chest and broad shoulders; and with these points doubly blended together, we have a picture of the Little Giant."

The author of this work remembers Senator Douglas as what the politicians of to-day would call a good mixer. There was no company in which he could not be a congenial companion. In company of the great at Washington and in the cabin of the frontier, with grave senators, with cabinet officials, and with the plain people — farmers and mechanics and laboring men — he was equally at home. He was genial and cordial, interested in everything that concerned those with whom he came in contact, to such a degree as to make them feel that he was one of them.

In the early days when the principal gatherings were at raisings of buildings, corn-huskings, nutting parties, horse-races, wrestling bouts, with dancing to the melodious strains of a fiddle in the evening, he entered into the sports and was a "Hail, fellow! well met!" He had a happy faculty of remembering names and faces; but, beyond this, he instinctively at once acquired some knowledge of the relations and surroundings and tastes of those about him, and was ready to talk of matters in which they were interested. When presiding as a judge on the bench he would frequently, while the lawyers were addressing the jury, go down among the spectators and seat himself beside an old friend and visit with him, all the time keeping cognizance of what was going on, ready to respond when his attention to the case at

bar was required, maintaining all the time the most perfect order. He has been seen at Knoxville, when the court room was crowded, to seat himself upon the knee of old Governor McMurtry and, with his arm upon his shoulder, talk with him for a considerable time, which, diminutive as was his stature, and great as was that of the Governor, did not seem incongruous.<sup>1</sup>

His voice, while deep and strong, was melodious and sympathetic, and his ways most winning. He knew who were his friends, and confided in them. In all his public career he never forgot a friend, and never failed to serve him in an emergency if within his power. His friends realized this, and in turn gave him similar confidence and support. He gained confidence by giving confidence. In his conversation this confidence was an important characteristic. It would seem that you were especially favored. He would say, "I can *tell you*"; "I know that I can say *to you*"; "I have no hesitation in confiding *in you*"; "I want *you* to know," etc., and his confidence was never betrayed.

Genial as he was, cordial as he was, entering into and enjoying all the social relations and sports of those early days, he was always dignified. While he was amused at the vagaries and the excesses of those who took part in the social gatherings of the time, and their

<sup>1</sup> It used to be related that while presiding on the bench at Knoxville, Knox County, the news came of his nomination for Congress to run against Orville H. Browning, whom he defeated. This was his first election to the Lower House. The news so stirred the people that he was obliged to adjourn court, and the whole assemblage, judge and jury, lawyers and spectators, paraded around the public square singing,

"The old black bull came down the meadow."

extravagant demonstrations, and enjoyed them, he himself never gave way to them to such a degree as to be a leader in them. He maintained such reserve as was becoming in one of such character and attainments. He would enjoy and laugh at stories, but there is no record of his ever having told one. He appreciated and enjoyed a pun, but he never made one.

In this regard he was the antithesis of Mr. Lincoln. When Senator Douglas made his first speech in Chicago in opening the great campaign in which Lincoln was pitted against him, Mr. Lincoln was present and was invited to sit on the platform. On the evening before, the common council of Chicago had passed a resolution denouncing the Dred Scott decision, and Douglas called the council to account for attempting to reverse and override a decision of the Supreme Court of the United States, saying that it reminded him of the statement of an old friend who used to declare that if you wish to get justice in a case you should take it to the Supreme Court of Illinois, and from that court take an appeal to a Justice of the Peace. Lincoln's voice was heard from behind the speaker, *sotto voce*, calling "Judge! Judge! Judge!" The Senator paused and turned around, and Lincoln said, "Judge, that was when you were on the Illinois Supreme bench." So far from being put out by the interruption Judge Douglas repeated the joke of his "friend Lincoln" to the audience.

The nearest the Senator came to making a joke that appears in any of his speeches was in the joint debate at Galesburg. Mr. Lincoln had said that in the campaign the Judge always made the same speech.



ABRAHAM LINCOLN



There was considerable reason for this, for the Judge always repeated and elaborated and plumed himself upon the popular sovereignty clause in his Nebraska bill. The statement of Mr. Lincoln evoked laughter and applause and made quite an impression upon the audience. Douglas replied that he wished he could say the same thing of Mr. Lincoln. That the difficulty with Mr. Lincoln was that in Northern Illinois, among the anti-slavery people, he always made a *free soil speech*, but in Southern Illinois where abolitionism was unpopular he always made an *old-line Whig speech*. There was sufficient truth in this to make the Senator's declaration more of an argument than a joke.

In 1854, four years before the great debates, the writer heard a joint debate between the Senator and a prominent anti-slavery local orator. It was the Senator's appointment for a Democratic meeting, but the Republicans put forward their champion, who challenged him for a joint debate, which, as was his custom, he at once accepted. The principal subject of discussion was the repeal of the Missouri Compromise. The Senator was called to account for inconsistency, in himself breaking it down after declaring that the Missouri Compromise was "canonized in the hearts of the people, and no ruthless hand would ever dare to disturb it." The attack was virulent and bitter. Douglas's only reply to this was by pointing his finger at his assailant and exclaiming, "There is an old adage that wise men change their opinions, but fools never do."

In the bitterness of political acrimony it was frequently stated that the Senator was too much addicted



to drink. It cannot be denied that, at a time when excessive conviviality among politicians, especially among Democratic politicians, was the rule rather than the exception, he joined in the conviviality of his friends; but there is no authenticated instance of his having drunk to such excess as to warrant such an accusation. The writer saw him many times on public occasions when he spoke, and at social gatherings, and never saw any reason for such an accusation.

He smoked incessantly. Even on the platform during the great debates, he smoked while Mr. Lincoln was speaking.

When the writer first knew the Senator, he had already in physical development become a little bit corpulent. Not too much so. His friends who had known him for a considerable time, said that, slender as he was when younger, this was an improvement. He had reached what the French call *embonpoint*. This tendency increased as he grew older, and, had he lived to old age, might have gone to excess.

In dress he was, after he attained high position, almost "the glass of fashion," and certainly he was "the mould of form." Small as he was in stature, it was seldom one saw so perfect a figure. There never was a greater contrast in physical peculiarities than that presented by him and Mr. Lincoln.

In an emergency he immediately took in the situation and acted with promptness. While other men were considering, he would meet the crisis. Once, during what were called in financial circles "wild-cat" times, there was a run upon a bank in Chicago, owned and



conducted by his personal and political friends. The money was loaned out and could not be called in in time to meet the demands of the panic-stricken people who filled the street in front of the bank, crowding up to draw out their deposits. The currency on hand became almost exhausted, and the order was about to be given to close the doors, when a carriage dashed up a side street and Senator Douglas appeared at a back door. He hastened in and placed a large amount of currency, eighty thousand dollars, as was said, upon the table and the bank was able to tide over the emergency. He had seen the surging crowd in the street, and, at once appreciating the situation, hastened to the bank where he deposited, and with his own money and his credit, which he used to the extreme limit, he was able to save his friends.

The Senator was particularly attentive and considerate to young men. Some days after the first inauguration of President Lincoln, the writer, then quite a young man, approached him in the Senate Chamber just before the session of the day opened. The Senator greeted him cordially, and, finding he was from Galesburg, inquired about his old friends in Knox County, Governor McMurtry, Judge Lanphere, Squire Barnett, and others. While they were thus engaged in conversation the Senate was called to order, and an usher appeared and held up a card before the young man upon which was printed in large type the list of personages permitted upon the floor of the Senate: "Governors of States, Ex-Senators, members of the other House, judges of the Supreme Court," etc. The usher asked

the young man, "Do you, sir, belong to that list?" Whereupon Senator Douglas with the utmost gravity and in a tone of surprise asked, "Is it possible you do not know this gentleman?" "No, Senator," replied the man obsequiously, "I have not the honor, Senator." "He is the Governor of Illinois, the Governor of my own State," replied the Senator. "I beg pardon, Senator," replied the man, withdrawing, with a broad grin, "I beg pardon, Senator." The conversation continued for some moments when the young "Governor of Illinois" withdrew, and the Senator went to his seat.

## CHAPTER XVIII

### SENATOR DOUGLAS'S FAMILY

SENATOR DOUGLAS married, April 7, 1847, Martha, daughter of Colonel Robert Martin of Rockingham County, North Carolina, by whom he had children. The eldest, Judge Robert Martin Douglas, is now a resident of North Carolina. He has held high position on the bench and is a prominent and respected citizen of that State. The second son, Stephen A. Douglas, Jr., was engaged for many years in the practice of the law in Chicago. He was frequently called upon to address public meetings; and in the Summer of 1908, when the fiftieth anniversary of the Lincoln-Douglas debates was celebrated throughout Illinois he made several engagements to speak; and he did speak on one or two occasions, but died while the celebrations were going on.

Mrs. Douglas died on the nineteenth of January, 1853. On the twentieth of November, 1856, Senator Douglas married again. His second wife, Miss Adele Cutts, was the daughter of Mr. James Madison Cutts of Washington. She survived him and some years after his death married General Robert Williams of the United States Army.

## CHAPTER XIX

### THE UNIVERSITY OF CHICAGO

**J**OHAN D. ROCKEFELLER founded the University of Chicago, and through his munificence it has become one of the wealthiest and most prosperous institutions of learning in the United States.

Stephen A. Douglas conceived the idea of establishing such an institution, and the glory of the inception of the great enterprise must be attributed to him.

Senator Douglas was one of the incorporators of the University of Chicago. In 1856 he gave the site of about ten acres for the institution at Thirty-fourth Street and Cottage Grove Avenue in Chicago, now worth millions. He was a member of the Board of Trustees during all his life afterwards, and President of the board.

When the new University of Chicago was established, in 1890, although it had no connection with the former University it assumed its name. The old University gave its consent to this and changed its corporate name to "The Old University," to allow this to be done. Because the University of Chicago succeeded the old University and took its name, and continued its work under the same denominational auspices, this new University of Chicago adopted the alumni of the Old University as her own and reenacted their degrees so that they consider themselves her alumni and generally



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coöperate with her. While Senator Douglas had no direct connection with the establishment of the present University of Chicago, he was an essential factor in founding the first university, to whose name and alumni she has succeeded. This relation has been commemorated by a bronze tablet of Douglas, showing his bust, on the walls of one of the buildings of the University of Chicago.

To the building of a great university in Chicago Senator Douglas devoted much of his thought and energy from 1856 to the close of his illustrious career. He appreciated the value of learning and gave a large portion of his property to place within the reach of the young of Chicago and of the West the advantages of higher education. In the midst of great political excitement at a time when in the political arena of the whole great nation he was the central figure, midway between his repeal of the Missouri Compromise and the great debates, he found time to establish what he hoped and intended should be a great university. He was not satisfied with merely establishing such an institution, but as a member of its Board of Trust and in other ways he contributed to its success. He had a high conception of what an institution so situated and with such environment should be, and did everything in his power to bring it up to such a standard of excellence as he hoped to see it attain. Had he survived to the allotted years of man, no doubt much that he hoped for would have been attained by the institution he founded. But he lived only five years after the institution he founded was so established.



It remained for wise, brave, able, and generous men, after the lapse of thirty years, to take up the work Senator Douglas so nobly attempted, and carry it forward to the most complete and triumphant achievement that has ever been reached by any institution of learning in so brief a period. In the University of Chicago, the dream of the great Senator has been far more than realized. That he hoped to see reared a great university upon the foundation he laid cannot be doubted, but it is scarcely within the bounds of possibility that he could have had any adequate idea of the success to which the institution has attained. Familiar as we are with its history and appreciative as we are of its usefulness, we must revere the memory of him in whose heart and brain it was conceived, and by whose initiative a University of Chicago was first established.

It is eminently appropriate that, hard by the great university; mingling with the soil of the State of Illinois which he so much loved and upon whose citizens he reflected so much glory; in the midst of the people of the imperial city of Chicago, whose restless energy and enterprise typify the activities of his busy and eventful life, and to whose advancement he so largely contributed; beside the great central highway created by his supreme effort; upon the shore of Lake Michigan whose waves are constantly beating a mournful requiem of the mighty dead,—it is eminently appropriate that there should forever rest the mortal remains of the great Senator.



DOUGLAS MONUMENT



## CHAPTER XX

### THE MISTAKE OF SENATOR DOUGLAS'S LIFE

**N**O other statesman — not even Henry Clay — ever had more earnest and devoted following.

Not only among the great masses of the people of his party, but among the leading statesmen of the country, Senator Douglas had a commanding influence. No other man was so potential in the Senate ; and his influence was perhaps as great in the Lower House through the strong men on the floor who were his friends and followers.

It was not then considered as among the possibilities to make a man President until he had, through length of years as well as experience, become mature. Douglas, as has been said, was then but forty-one years old. Still, notwithstanding his comparative youth, he was prominently put forward for the great office. That he would in maturer years, as conditions were then, have reached the goal of every ambitious American seemed certain.

In a retrospective view of the events of that day, of the political issues, of the statesmen of the time, and of the attitude and standing of Douglas, it seems to the writer (who was familiar with them) inevitable that, had the conditions remained as they then were, Senator Douglas would before many years have attained to the Presidency, which was the goal of his ambition.

But the conditions did not continue as they then were. There came a new departure, a complete and entire revolution in politics and in the political situation; and Senator Douglas, the man of all men most interested in keeping matters *in statu quo*, being flushed with the consciousness of strength and power, inaugurated a movement that entirely changed political conditions, overturned policies that had been in vogue for a generation, and finally resulted in driving him and his party from the control of the Government.

The conflict between those interested in human slavery in the South and those opposed to it in the North reached a climax so long ago as 1820, when it was proposed to admit Missouri into the Union as a slave State. As was the case in later years, when, after a long and earnest struggle the two sections seemed almost ready to war upon each other, a compromise was effected. That compromise of 1820, known as the "Missouri Compromise," provided for the admission of Missouri into the Union as a slave State as a concession to the South and for the perpetual inhibition of slavery north of the parallel of thirty-six degrees and thirty minutes. This parallel from that day forward was called the "Missouri Compromise line." The act of Congress provided that in all the territory then owned by the United States which lay north of the parallel of thirty-six degrees and thirty minutes "slavery and involuntary servitude, otherwise than in the punishment of crime whereof the party shall have been duly convicted, shall be and is hereby forever prohibited." Curiously, the author of the provision creating the

Missouri Compromise line was Jesse B. Thomas, an Illinois Senator.

For thirty-four years — for a generation — that Compromise line was, for all the region of the United States north of it and west of Missouri, an insurmountable barrier against human slavery. One thing which had been so firmly established as to be regarded as fixed and permanent was the Missouri Compromise line. It was regarded by the people as sacred and binding, scarcely less so than the Federal Constitution. It was enacted before most of the voters of that day were born. Senator Douglas himself when that line was established was but seven years old.

He himself had said of the Missouri Compromise line: "It is canonized in the hearts of the American people, and no ruthless hand will ever dare to disturb it"; and, after we acquired a vast territory from Mexico he wanted to extend it to the Pacific Ocean.

The Senator had now become infatuated with the idea of taking the question of slavery in the new Territories out of Congress, and leaving it to the people of those territories which must soon be organized. He had come to believe that if the question were left to the Territories there would be no more slavery agitation in Congress, and that there would be no conflict except in the Territory immediately interested. He was chairman of the Committee on Territories, and he formulated a bill to organize Kansas and Nebraska; this bill declared that "it is not the intent nor meaning of this act either to legislate slavery into a Territory or to exclude it therefrom, but to leave the people perfectly free to form



and regulate their domestic institutions in their own way, subject only to the Constitution of the United States."

A Southern Senator, Archibald Dixon of Kentucky, introduced a bill repealing the Missouri Compromise line. Both Kansas and Nebraska were north of that line. Slavery could not lawfully be introduced into those Territories without abrogating that line, and so Senator Douglas was persuaded to make the principle enunciated in Senator Dixon's bill repealing the Missouri Compromise line a part of his bill known as the "Nebraska bill."

When Senator Dixon proposed his measure few paid any attention to it; but when Senator Douglas adopted it there arose such an excitement as had not before been known since the organization of the Government. The people had come to realize the majesty of the power of the great Illinois Senator, and they had reason to fear that the sacred barrier against slavery was doomed.

"What!" exclaimed men from ocean to ocean, "repeal the Missouri Compromise! You might as well repeal the Constitution!"

The repeal of the Missouri Compromise had precisely the opposite effect from that which Senator Douglas and his friends expected. Instead of the agitation of the slavery question being removed from Congress, it became more intense in Congress, and it extended throughout the country.

It is interesting to reflect upon what might and upon what might not have been, but for the repeal of the



Missouri Compromise. Had that Compromise not been repealed, it is probable that the Democratic party would have gone on in control of the Government as it had done so long. In 1856, at farthest in 1860, Stephen A. Douglas would have become President. The old Whig party would still have dragged its lazy length along. Ulysses S. Grant would have continued to weigh raw hides on the back alley of a leather store at Galena, and Abraham Lincoln would have continued to ride the circuit and tell stories in Central Illinois. There would have been no Republican party, no secession, and no war.

Senator Douglas had never before given such demonstration of his supreme control of Congress as in carrying through that Nebraska bill. Never before had there been such a contest. Never did men fight as they fought to save the great barrier against slavery. All their efforts were of no avail. The Senator carried his bill, and the barrier was overthrown.

Brilliant as was his victory in the mighty struggle, who cannot now see that the repeal of the Missouri Compromise, on the part of Senator Douglas, was a mistake?

## CHAPTER XXI

### DOUGLAS'S POSITION ON SLAVERY

**T**HE whole country regarded the action of Senator Douglas in breaking down the Missouri Compromise line as opening the territories of Kansas and Nebraska to slavery. The South so regarded it, as well as did the North. The people of the North and South regarded it as committing the Senator to the South, and that henceforward he would champion her cause.

So far as the negro was concerned the Senator did not regard him as in any sense a citizen. He declared over and over again: "This is a white man's government made by white men, for white men and their descendants." He declared that the fathers, in the Declaration that all men are created equal, had no reference whatever to the negro. In all he said, in every argument he made, he classed negro slaves as he did other property, and declared that so far as the action of the people of the Territories upon the question was concerned, he cared not "whether slavery was voted down or voted up." From these utterances the South came to regard him as their champion to fight to the bitter end in order to fasten slavery upon Kansas and Nebraska.<sup>1</sup>

<sup>1</sup> The following, from the pen of the Hon. Robert M. Douglas, the eldest son of Senator Douglas, whom we have hereinbefore quoted, gives an account of the action of Senator Douglas when slaves were offered him:

"I deem . . . it simple justice to his [Senator Douglas's] memory to

But the fundamental principle of his Kansas Nebraska bill was to leave the question of slavery to the people of the Territory interested. He went before the country proclaiming this principle. In season and out of season, throughout the North and the South, he advocated "popular," "squatter" sovereignty. He never once spoke without quoting in clarion tones that significant sentence of his bill: "Neither to legislate slavery into a Territory, nor to exclude it therefrom, but to leave the people perfectly free to form and regulate

recall the fact that he was personally opposed to slavery. He showed the sincerity of his convictions by refusing a gift of slave property offered by his father-in-law in the contingency of the failure of heirs to his wife, which would have been worth from one hundred thousand dollars to one hundred and twenty-five thousand dollars. He never owned or accepted a slave or the proceeds of a slave, directly or indirectly; nor would he permit himself to be placed in a position where the ownership of slave property might be cast upon him by operation of law. My mother, who was the only child of Colonel Robert Martin of Rockingham County, North Carolina, met my father in Washington City through my first cousin, Governor David S. Reid, who was a colleague of Judge Douglas both in the House of Representatives and in the Senate. My grandfather, Colonel Martin, died 1848, after my mother's marriage but before my birth.

"In his will, recorded both in this State [North Carolina] and Mississippi, appears the following paragraph: 'In giving to my dear daughter full and complete control over my slaves in Mississippi [his slaves in North Carolina having been left to his wife in fee simple] I make to her one dying request instead of endeavoring to reach the case in this will. That is, that if she leaves no children, to make provision before she dies to have all these negroes, together with their increase, sent to Liberia or some other colony in Africa. By giving them the net proceeds of the last crop they make would fit them out for the trip, and probably leave a large surplus to aid them in commencing planting in that country. In this request I would remind my dear daughter that her husband does not desire to own this kind of property, and most of our collateral connexion have more of that kind of property than is of advantage to them.' "

Under his oath, as executor of Colonel Martin, it was the duty of Senator Douglas to protect the property belonging to his children; but it is evident from the above provision that he was never willing to own personally a slave or the proceeds of a slave.

their domestic institutions in their own way, subject only to the Constitution of the United States.”

Republicans asserted that he would not stand by the principle. The Southern people believed that he was so committed to them that he could not do otherwise than sustain slavery in a Territory, however the people might vote.

The test came. After the most violent struggle between slavery and freedom for supremacy, there proved to be a majority in the Territory of Kansas against slavery. Senator Douglas took no part in the struggle in that Territory, but kept entirely aloof from the contest; yet he kept constantly informed as to the situation, examined the returns of every voting precinct, read carefully the statements of public officials, and found, as every intelligent observer found, that a large majority of the people of Kansas were opposed to permitting slavery in their midst.

Would the great Senator stand by the principle of “popular sovereignty” enunciated in his bill, or would he, at the behest of the South, force slavery upon the people of Kansas, against their will, as she expected him to do? He was still dominant in Congress. No other man was so potential. What course would he take?

The administration of President Buchanan had passed entirely under the control of the South. It led in every measure in the interest of slavery. Whatever the slave power demanded was done.

A convention of Kansas pro-slavery men met at Lecompton and formulated a constitution recognizing



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slavery and presented it to Congress, asking admission under it as a State of the Union. Had Kansas been admitted under that Constitution it would have become a slave State.

The South, with an almost unanimous vote, urged that Kansas be admitted under that Constitution. The administration with all its might and mind and strength supported the South in this measure. No other Democrat in Congress then had more friends in the South than Senator Douglas, and he was just as strong in the North. Every Federal official in Illinois—marshals, postmasters, and all others—had been appointed upon Senator Douglas's recommendation, and were his friends. The administration had become so committed to the South that Douglas knew that, if he opposed the Le-compton Constitution and permitted the will of the people of Kansas to be carried out, the administration and the whole South would make bitter relentless war upon him. That which was even more terrible to him was, he knew that if he opposed the Le-compton Constitution every friend he had recommended to office, men who had stood by him for a third of a century, would be driven from position, and that all the power of the administration would be exerted to crush him.

Would he yield to the administration or would he obey his convictions? Did he hesitate?



## CHAPTER XXII

### THE HEROISM OF DOUGLAS

**I**MMEDIATELY upon his arrival at Washington, when Congress met, he went to President Buchanan and frankly told him that he had become convinced that the people of Kansas had declared against slavery and that, therefore, he could not favor the Lecompton Constitution, and that he must oppose its adoption on the floor of the Senate. The President argued the question with him, told him that he would be breaking away from friends who relied upon him, spoke of his great influence and of how easy it would be for him to carry the Lecompton Constitution through Congress, and how much smoother it would be for him to go with his friends than with the Republicans, who were his enemies. The Senator was inexorable. Finally, the President threatened to remove all those from office who had been appointed upon his recommendation. Thereupon the Senator arose and respectfully asked to be permitted to withdraw, when the President said:

“Senator, I wish you to remember that no Democrat ever was successful in opposing the policy of an administration of his party.”

Senator Douglas drew himself up and replied: “Mr. President, permit me most respectfully to remind you that General Jackson is dead,” and withdrew.

He took his place in the Senate ; and never was such a war waged against an arbitrary and unscrupulous administration, determined to force an obnoxious and abhorrent institution upon a people against their will. Never did a great statesman rise to such sublimity of independence, such grandeur of patriotism, as did Senator Douglas. He flung to the winds all hope of favor and support from an administration of his own party, which he himself more than any other had been the means of placing in power.

It is difficult for men in this generation to realize what was involved in this action of the great Senator, who, as has been intimated, up to that moment had been the idol of his party in every State of the Union, South as well as North. Democrats of the North had been up to that time his firm and enthusiastic supporters, and he was adored at the South.

There are few chapters in American history more interesting than those which give the account of the heroic and successful contest of Senator Douglas in antagonism to the effort to force slavery upon the people of Kansas through admitting her into the Union with the Lecompton Constitution as her fundamental law.

Senator Douglas spoke frequently upon the question, and it would be instructive for the student to follow the whole debate. An important and exhaustive address was made by him on the eighth of December, 1857, upon the President's annual message, in which Mr. Buchanan clearly indicated his determination to have Kansas admitted under the Lecompton Constitution. In the course of that address Senator Douglas exclaimed :

“Why force this Constitution down the throats of the people of Kansas in opposition to their wishes and in violation of our pledges? What great object is to be attained? *Cui bono?* What are you to gain by it? Will you sustain the party by violating its principles? Do you propose to keep the party united by forcing a division? Stand by the doctrine that leaves the people perfectly free to form and regulate their institutions for themselves in their own way, and your party will be united and irresistible in power. Abandon that great principle, and the party is not worth saving, and cannot be saved after it is violated. I trust that we are not to be rushed upon this question. Why should it be done? Is the South to be the gainer? Is the North to be the gainer? Neither the North nor the South has the right to gain a sectional advantage by trickery and fraud.” Finally President Buchanan transmitted to Congress the Lecompton Constitution with a special message recommending that Kansas be admitted as a State under it.

## CHAPTER XXIII

### SPEECH OF DOUGLAS AGAINST THE LECOMPTON CONSTITUTION

SENATOR DOUGLAS was at the time ill in bed ; but just before the final vote was to be taken he arose and took his place in the Senate, and then, on the twenty-second of March, 1858, he made one of the greatest speeches of his life. The discussion had been going on for several days, when it was announced that Senator Douglas would speak at seven o'clock in the evening.

So great was the desire to hear him, that, from the time when the Senate adjourned in the afternoon, until the evening, the people kept their seats in the galleries and even those who could not get seats remained. Not only the seats, but all the standing-room was occupied, and the corridors finally became so crowded that it was impossible to reach the gallery. In order to make more room, a resolution was adopted to admit ladies to the floor of the Senate, and they filled every available space. It is impossible that there can ever be a crowd more vast than that which then filled the Senate chamber.

There is no more dignified body upon the face of the earth than was the Senate of the United States. Its proceedings were conducted with the most perfect decorum, which not only the Senators but every one who

entered the chamber observed. Such a thing as applause in the galleries had scarcely ever been known, but as Senator Douglas proceeded to portray the situation in Kansas and hold up to scorn, as only he could do, the infamy of the outrage that was being attempted, the vast concourse of people could not restrain themselves, and they frequently broke out into tumultuous applause, which the protest of several Senators could not prevent, until it was ordered that unless this ceased, the galleries and aisles would be cleared.

The Senator reviewed the whole action of Congress upon the question of slavery in the Territories and declared that, after the policy of depending upon a dividing line north of which slavery was prohibited and south of which it was permitted, a policy was adopted in the Fugitive Slave Law of 1850 and the Nebraska bill of 1854, under which the question was to be left to the people of the Territories to be settled for themselves.

After this introduction the Senator proceeded to take up in detail the political proceedings of the Kansas people at the polls, in popular elections, in their Legislature, in their constitutional conventions, and showed beyond the possibility of a doubt that a large majority were opposed to slavery. He showed that if Kansas were admitted under the Lecompton Constitution a State government would be brought into existence not only by fraudulent voting, but by forged returns, sustained by perjury. He showed that the people at an election had, on the fourth of January, repudiated the Lecompton Constitution by a majority of ten thousand; and he exclaimed:

“If further evidence were necessary to show that the Lecompton Constitution is not the will of the people of Kansas, you find it in the action of the Legislature of that Territory. On the first Monday of October an election took place for members of the Territorial Legislature. It was a severe struggle between the two great parties in the Territory. On a fair test, and at the fairest election, as is recorded on all hands, ever held in the Territory a Legislature was elected. That Legislature came together and remonstrated by an overwhelming majority against this Constitution as not being the act and deed of that people, and not embodying their will. Ask the late Governor of that Territory,<sup>1</sup> and he will tell you that it is a mockery to call this the act and deed of that people. Ask the Secretary of the Territory, ex-Governor Stanton, and he will tell you the same thing. I will hazard the prediction that, if you ask Governor Denver to-day, he will tell you, if he answers at all, that it is a mockery, nay, a crime, to attempt to enforce this Constitution as an embodiment of the will of the people. Ask then your official agents in the Territory; ask the Legislature elected by the people at the last election; consult the poll books on a fair election held in pursuance of law; consult private citizens from there; consult whatever sources of information you please, and you get the same answer—that this Constitution does not embody the public will, is not the act and deed of the people, does not represent their wishes; and hence, I deny your right, your authority, to make it their organic law.”

<sup>1</sup> Robert J. Walker, former Secretary of the Treasury, a Southern man appointed by Mr. Buchanan.



Much stress was laid by the supporters of the administration upon the fact that that Constitution provided that after six years, in 1864, it might be so amended, if the people desired, as to exclude slavery. In regard to this, Senator Douglas declared :

“I do not object that this Constitution cannot be changed until 1864, provided you will show me it to be the act and deed of the people and that it embodies their will now. If it be not their act and deed, you have no right to fix it on them for a day, nor for an hour, nor for an instant; for it is a violation of the principle of free government to force it upon them.”

Senator Douglas had no idea of permitting slavery, which a majority of the people abhorred, to exist in the new State until it should obtain a firm foothold, as was desired by its champions.

During all this most heroic fight for freedom in Kansas the Senator proclaimed that, had the people of that Territory decided in favor of slavery, he would just as earnestly and persistently have fought against the Free-soilers for the admission of the Territory as a slave State. To the question of the right and wrong of slavery so far as that controversy was concerned, he was entirely indifferent. The Senator's only solicitude was to find what was the will of the people of Kansas, and he spared no pains to ascertain that; and when convinced that they were opposed to slavery he would not permit it to be forced upon them. No one can justly charge Senator Douglas of being recreant to the principle of popular sovereignty as enunciated in his Nebraska bill. Because it did not embody the will of the people of



Kansas he fought the Lecompton Constitution until it was buried out of sight. Then men realized how great and strong and brave was the great statesman who so ably represented Illinois in the Senate.

It is true, as was afterwards declared by Mr. Lincoln, that the Republicans in Congress gave most of the votes necessary to defeat the administration in its efforts to force slavery upon Kansas through the Lecompton Constitution ; yet it is equally true that but for Senator Douglas the infamy would have been accomplished.

## CHAPTER XXIV

### PRESIDENTIAL DICTATION TO MEMBERS OF CONGRESS

SENATOR DOUGLAS'S second term in the United States Senate was about to expire. As has been said, from the moment he announced his determination to oppose the Lecompton Constitution the administration made war upon him in Illinois in the hope of defeating him for reëlection. Every Federal official who would not join in the hue and cry against Senator Douglas was turned out, and an enemy appointed in his place. Every newspaper that could be controlled by patronage or otherwise was set upon him, and there was no limit to their remorseless assaults.

Senator Douglas wished above all things to be re-elected, but he was undaunted. Important as it was to him in that awful crisis of his life to have the support that power and patronage could give, he did not falter. In the great speech from which we have quoted he said :

“I do not recognize the right of the President or his cabinet, no matter what my respect may be for them, to tell me my duty in the Senate chamber. The President has his duty to perform under the Constitution, and he is responsible to his constituency. A Senator has his duties to perform here under the Constitution

and according to his oath, and he is responsible to the sovereign State he represents as his constituency. A member of the House of Representatives has his duties under the Constitution and his oath, and he is responsible to the people who elected him. The President has no more right to prescribe tests to Senators than Senators have to the President. Suppose we here should attempt to prescribe a test of faith to the President of the United States, would he not rebuke our impertinence and impudence, as subversive of the fundamental principle of the Constitution? Would he not tell us that the Constitution and his oath and his conscience were his guides—that we must perform our duties, and he would perform his, and let each be responsible to his own constituency?

“Sir, when the time comes that the President of the United States can change the allegiance of the Senators from the States to himself, what becomes of the sovereignty of the States? When the time comes that a Senator is to account to the executive and not to his State, whom does he represent? If the will of my State is one way and the will of the President the other, am I to be told that I must obey the executive and betray my State, or else be branded as a traitor to the party and be hunted down by all the newspapers that share the patronage of the Government? And is every man who holds a petty office in any part of my State to have the question put to him, ‘Are you Douglas’s enemy? If not, your head comes off.’ Why? ‘Because he is a recreant Senator; because he chooses to follow his judgment and his conscience, and to represent his

State, instead of obeying my executive behest.' I should like to know what is the use of Congresses, what is the use of Senates and Houses of Representatives, when their highest duty is to obey the executive in disregard of the wishes, rights, and honor of their constituents."

On account of his gallant fight against the Lecompton Constitution Horace Greeley, the editor of the leading Republican newspaper in the United States, recommended to the Republicans of Illinois that they make no nomination of a Senator, but reëlect Douglas by a unanimous vote. This was the general consensus of opinion among Republicans of other States.

No one outside of Illinois had any idea that there was any other American able to cope with Senator Douglas in a campaign before the people. Certainly, no one had then appeared who had been so prominently connected with the great measures that had come before the country. There was no American who had fought so many forensic battles and gained such conquests.

## CHAPTER XXV

### RECAPITULATION

**I**N order to have any proper and just estimation of how Senator Douglas was regarded at that time, it may not be out of place to recapitulate and call especial attention to the measures with which he had been prominently connected, most of which were familiar to the people of Illinois :

The vindication of Andrew Jackson.

His attitude on the Mexican war through which we acquired California, New Mexico, and Arizona.

His championship of the "Fifty-four forty or fight" doctrine on the Oregon question.

His important part in the Compromise Measures of 1850.

His carrying through Congress the bill to establish the Illinois Central Railway.

His advocacy of waterways and internal improvements.

His support of a liberal foreign policy.

His favoring expansion.

His antagonism toward the Clayton-Bulwer Treaty.

His advocacy of a railway across the continent.

His potentiality in Congress and in the country.

His Kansas Nebraska bill.

Finally, his gallant fight against the Lecompton Constitution and his share in making Kansas a free State.

At that time Senator Douglas was the foremost American statesman. When he overthrew the Missouri Compromise line, that mighty barricade wall against slavery, he was the most potential of Americans, dominating not only the Senate, of which he was the most conspicuous member, but the House of Representatives and, in so far as he desired, the executive.

If the reader has followed in these pages the career of Douglas, from the time when, a friendless, penniless boy, he first appeared upon the prairies of Illinois, he will realize that the great Senator did not attain to this supreme authoritativeness by accident. Through years of experience and activity in statecraft, as a member of the Legislature of Illinois, as a lawyer, as a public official, as a man of affairs, as a judge on the bench, as a member of the Lower House of Congress, as a Senator, he had labored. He had familiarized himself with the political history of the country to such a degree that he was always ready in discussion of public questions to give in detail just when and how and where a measure had been considered, and just what action if any had been taken, and why. He knew the Constitution by heart, and the laws made in pursuance thereof, and was able at any moment to cite precedents, if any had been made, relating to a matter under consideration. He was positive, bold, and aggressive, the ablest debater in the Senate—so able that, since the passing away of Webster and Clay and Calhoun, no man in public life could cope with him. He was a natural leader of men.





HORACE GREELEY





## CHAPTER XXVI

### ABRAHAM LINCOLN

**B**UT, notwithstanding his great fame, notwithstanding his achievements, notwithstanding all the distinction he had conferred upon the State, notwithstanding his gallant fight to save Kansas from having slavery forced upon her, notwithstanding that Republicans of other States urged that he be reëlected, the Republicans of Illinois would not favor the reëlection of Senator Douglas. They rose up as one man against him.

Douglas had declared that, had the people of Kansas so desired, he would just as earnestly have championed a slave constitution. He had said, as regarding his position as to the right of the people of the Territories to decide, that he cared not whether slavery was voted down or voted up. He had been the means of abrogating the Missouri Compromise line which in itself prohibited slavery in those Territories.

Besides all this, the Republicans of Illinois had a man whom they knew thoroughly and in whom they implicitly relied, a man who was opposed to any further extension of slavery, a man who did care whether slavery was voted down or voted up, a man who would never have consented to the repeal of the Missouri Compromise, a man who, they believed, could cope with

Senator Douglas. This the Republicans of other States did not and could not know.

It may be doubted whether any other man that ever lived has been endowed with such power of analysis as was Abraham Lincoln. He would take up a problem and divide it into its component parts, as a skilled chemist would separate the component parts of a solid or a fluid, and weigh each individual substance, and ascribe to each so much or so little importance as it merited. This thorough analysis was made with deliberation, and he was able to come to such a conclusion as was scarcely ever wrong. Through this power of analysis he was able to see clearly what had been and to form an opinion of what would be, "looking before and after," as Shakespeare expresses it.

Throughout many years of obscurity and disappointment, passed during much of the time in poverty, Abraham Lincoln had been a student and an observer. While he was denied the privilege of taking a part in and directing public affairs, moved by the most intense feelings of patriotism, his interest in them was so profound and absorbing that every question was by him thoroughly investigated and considered. As the sequel proved, Mr. Lincoln was better able to canvass and consider problems of government than would have been possible had he been a conspicuous actor in them; and he was better equipped to cope with the great statesman than any Senator in Congress or any other person with whom the Senator had hitherto contended in debate.

Fresh from the mighty contest in the Senate, in which he had been the victor; with the prestige of

having vindicated the principle of popular sovereignty, which he had promulgated for the Territories, Senator Douglas came home to Illinois. Tens of thousands of people turned out with glad acclaim to welcome him. Surely there would be no question as to his return to a deliberative body in which he had gained so many laurels. Surely there would be no one who could cope with a Senator who had met and worsted in debate the ablest men in public life. His vindication of the right of the people of Kansas to govern themselves fresh in the minds of the people must carry him triumphantly back to the Senate.

Before the Senator reached home he read in the newspapers the following sentiment :

“ A house divided against itself cannot stand. I believe that this Government cannot endure permanently half slave and half free.”

To this was added, “ I do not expect the Union to be dissolved — I do not expect the house to fall — but I do expect it will cease to be divided. It will become all one thing or all the other.”

Although slavery had existed in the country almost from the time of the first settlement of the continent, no such sentiment had ever before been proclaimed. Through all the State papers of Hamilton and Madison and Jay, through all the voluminous writings of Jefferson, through all the opinions of Chief Justice Marshall, through all the addresses of Webster and Clay and Calhoun, one will look in vain for such a sentiment.

It remained for a comparatively obscure lawyer, Abraham Lincoln, after a lifetime of observation and

reflection, to come to this conclusion. When the proposition was once stated, its correctness was so apparent that it became axiomatic. The sentiment, "This Government cannot endure permanently half slave and half free, it must become all one thing or all the other," sent a thrill through the hearts of men from Maine to California. As men reflected and recalled the mighty struggles for supremacy through which the two sections had passed, that of 1820, that of 1850, and that which was then culminating, it became more and more apparent to them that this Illinois lawyer was right, and that the only hope and the last hope of saving the nation was by its becoming "all one thing or all the other."

Emerson says that to believe your own thought, to follow what is true for you in your private heart, is true for all men,—that is genius. Speak your latent conviction and it shall be the universal sense; for always the inmost becomes the outmost and our first thought is rendered back to us by the trumpets of the last judgment. Familiar as is the voice of the mind to each, the highest merit we ascribe to Moses, Plato, or Milton is that they set at naught books and traditions and spoke not what *men* thought, but what *they* thought. Abraham Lincoln believed his own thought and expressed it.

John W. Draper said: "An idea may possess supreme political influence. A sentiment expressed by a few words may break up nationalities venerable for their antiquity, rearrange races of men and revolutionize the world."

The Senator came home believing that through his

gallant fight against the Lecompton Constitution he had dictated the issue of the campaign: he found that by proclaiming the sentiment we have quoted this Springfield lawyer had dictated the issue and placed him upon the defensive from that time forward.

In his great opening speech at Chicago, where tens of thousands turned out to hear him, Senator Douglas was confronted with this sentiment. It had not then reached the ear of the general public. Uttered by one who was scarcely known beyond the limits of Illinois, it had attracted little attention throughout the country at large. But that lawyer who had proclaimed the sentiment was the opposing candidate to the great Senator, and what he said could not be ignored.

Senator Douglas read the sentiment to his audience and tried to answer it. Every word *he* uttered was read everywhere, and when he quoted it, it arrested the attention of the whole country. Then men in other States began to ask, "Who is this man Lincoln? Why have we not heard of him before?"

The Senator devoted much of that great Chicago address to an attempt to refute that declaration of his adversary, arguing that as the Government had endured for so many years, half slave and half free, there was no reason why it should not so continue to endure permanently. He spoke again at Bloomington before a vast assemblage; again at Springfield, and from day to day throughout the State. In every speech he quoted this sentiment and vainly tried to answer it.



## CHAPTER XXVII

### THE LINCOLN-DOUGLAS DEBATES

**F**INALLY Mr. Lincoln challenged the Senator to meet him in joint debates face to face. Mr. Lincoln gave as a reason for making this challenge that, while on account of his great fame everybody turned out to hear Senator Douglas, the Democrats would not come to hear him at Republican meetings where he was speaking. He said, "If we have joint debates, the Democrats will come out to hear Douglas, and I will get at them."

Senator Douglas promptly accepted the challenge, and there were seven joint debates, held at Ottawa, Freeport, Jonesboro, Charleston, Galesburg, Quincy, and Alton, in the order named.

In every one of those debates, Senator Douglas quoted the sentiment of Mr. Lincoln to which reference has been made, and tried to answer it. The more he struggled to refute it, the more apparent did its truth appear. Before the sentiment, "This government cannot endure permanently half slave and half free — it must become all one thing or all the other," before this idea that possessed supreme political power, this sentiment, expressed by few words, went down forever all the compromises, all the machinations of the politicians and time-servers. And, although temporarily



THIS MEMORIAL TABLET IS PLACED HERE  
TO REGALL THE JOINT DEBATE BETWEEN  
ABRAHAM LINCOLN AND STEPHEN A. DOUGLAS,  
WHOSE WORDS THESE WALLS ECHOED  
OCTOBER THE 7TH 1858.

"EQUALITY AMONG THE DIFFERENT STATES  
IS A CARDINAL PRINCIPLE UPON WHICH ALL  
OUR INSTITUTIONS REST." DOUGLAS.

"HE IS BLOWING OUT THE MORAL LIGHTS  
AROUND US WHO CONTENDS THAT WHOEVER  
WANTS SLAVES HAS A RIGHT TO HOLD THEM."  
LINCOLN.

KNOX COLLEGE TABLET MARKING SPOT WHERE LINCOLN AND DOUGLAS  
MET IN THE GREAT DEBATE AT GALESBURG



successful, the great Senator himself was finally engulfed in the maelstrom of public opinion which it aroused.

Mr. Lincoln showed that under the Dred Scott decision, which Senator Douglas endorsed, slavery was already lawful in the Territories, and that by going one step further the court could make it lawful in all the States. His argument was clear and convincing and conclusive that under the Dred Scott decision, so far as the naked question of law was concerned, slavery was already legalized and that as Senator Douglas endorsed that decision he was committed to this proposition. The Senator was not slow to realize that unless this were answered in some way, the public would become convinced that, notwithstanding the defeat of the Lecompton Constitution, slavery already existed and must continue to exist in Kansas, and that all his opposition to that Constitution was of no avail.

Senator Douglas was not slow to realize that by this he was placed in an awkward position; and, at Bloomington, Mr. Lincoln being present, he sought to extricate himself from the dilemma by showing that slavery could not, notwithstanding the decision of the Supreme Court, "exist one day or one hour in any Territory against the *unfriendly legislation* of an *unfriendly people*."

"I care not," he said, "how the Dred Scott decision may have settled the abstract question. If the people of a Territory want slavery they will encourage it by passing affirmative laws and the necessary police regulations, patrol laws, and slave code; if they do not want it they will withhold that legislation, and by

withholding it slavery is as dead as if prohibited by a constitutional prohibition."

Often it has been asserted that Senator Douglas was "driven into a corner" at Freeport by Mr. Lincoln and forced to make this declaration, notwithstanding the fact that six weeks before the Freeport debate, in presence of Mr. Lincoln at Bloomington, he had made a similar declaration, and also at Springfield, the day after he spoke at Bloomington, which was then published in *The Illinois State Register*. Senator Douglas was not a man to be driven into a corner.

Mr. Lincoln frequently declared that the sentiment of the Declaration of Independence, "All men are created equal," applied to the negro as well as to the white man. Senator Douglas denied this, and declared that because Mr. Lincoln so believed he wanted to go into the South and set the slaves free; that he favored negro equality and wanted to permit the negroes to vote and hold office and intermarry with the whites. Lincoln showed the absurdity of all this, stigmatizing it as that false logic which assumed that because he did not want a black woman as a slave he did want her for a wife. Mr. Lincoln was too wary to permit himself to be committed to such doctrines.

There is nothing more remarkable in the great debates than the modesty with which Mr. Lincoln entered into them.

We found him at the opening declaring: "Senator Douglas wants to keep me down. Put me down I should not say, for I have never been up."

In speaking of when he and Douglas first met, he said:

“We were both young then, he a trifle younger than I. Even then we were both ambitious, I perhaps as much as he. With me the race of ambition has been a failure—a flat failure. With him it has been one of splendid success. His name fills the nation and is not unknown in foreign lands. I affect no contempt for the high eminence he has reached. . . . I would rather stand upon that eminence than wear the richest crown that ever pressed a monarch’s brow.”

While Senator Douglas in conversation expressed the highest appreciation of Mr. Lincoln’s character and abilities, it cannot be denied that in the debates he sought to “damn him with faint praise.” We find him speaking of Mr. Lincoln as a “quiet, amiable, intelligent gentleman,” telling how as a young man “he was then just as good at telling an anecdote as now. He could beat any of the boys wrestling or running a foot race, in pitching quoits or tossing a copper, could ruin more liquor than all the boys in the town together, and the dignity and impartiality with which he presided at a horse race or fist fight excited the admiration and won the praise of everybody that was present and participated. I sympathized with him because he was struggling with difficulties and so was I. Mr. Lincoln worked with me in the Legislature of 1836, when we both retired, and he subsided or became submerged, and he was lost sight of as a public man for some years.”

Never in Illinois, nor perhaps anywhere else, was there such interest in public meetings as in those when Douglas and Lincoln met face to face. There was plenty of time to give notice, and all the people within



a radius of fifty miles of where the debate was to be held were aroused. The fact that the masses of both political parties assembled insured a vast crowd. Organizations were made by both parties at every town and hamlet to get up processions and insure the largest possible attendance. Some of the processions were more than a mile long. All the debates were held in the open air.

It was a curious sight to look upon when the vast crowd of earnest men and women of both parties were wedged in together before the grand stand. There was the usual jostling and crowding to get good places. There was taunting and jeering between the representatives of each party but very few breaches of the peace. When the speaking began there was almost perfect order. If the pent-up feelings of either party caused an angry demonstration, its representative on the platform would rise and beg his friends to desist. When they applauded a speaker he would beg them to cease as it would be taken out of his time.

The timekeepers, made up from both political parties, seated upon the platform, were inexorable. The speakers alternated at the different places in opening and closing. At the precise moment in which the time for opening arrived, the first speaker must begin. A speaker was given an hour for his opening; then his competitor had an hour and a half; and he who opened was given half an hour to close. Time was called at the moment a speaker should conclude, and he could only finish the sentence he was upon and could not begin another.

In speaking, Douglas stood firmly upon his feet, moving but little. He was, although so short, dignified and stately. Small as he was, he seemed sometimes majestic. Had he been so large in stature his figure would have been as imposing as was that of Webster. One writer in describing him has said that his face suggested the infinite. His voice was a deep bass and had a great carrying power, by which he was able to reach a vast multitude. Each word distinctly uttered was projected out from his deep chest as if fired from a columbiad.

He was positive, bold, aggressive, and assertive. His manner of argument was something like this: Lincoln declares that the Government must become all free or all slave; therefore, Lincoln is sectional and favors a war upon the slave States. He declares that to endure permanently the Government must become all one thing or all the other; therefore he insists upon uniformity; that the same laws shall be enacted in every State, whatever the conditions; therefore he is for overthrowing State rights, and making every community conform to the customs of every other community. Lincoln refuses to obey the mandate of the Supreme Court in the Dred Scott decision; therefore Lincoln seeks to create among the people a feeling of contempt for the courts and to break down our system of jurisprudence; Lincoln believes that the sentiment "all men are created equal" was intended to apply to the negro; therefore Lincoln favors negroes the same as white men, and favors amalgamation, miscegenation, and a general mixing of the races.



Mr. Lincoln was angular and rawboned, his limbs long. He was gaunt of body, his neck long, his cheek bones high, his features irregular, his arching eyebrows overshadowing. He was generally regarded as a homely man, but upon occasions when he rose to the full apprehension of a subject in which he was interested, all the rugged inequalities of his frame and features combined to make him appear majestic and even sublime.

His voice was keyed upon rather a high pitch, clear but not shrill, and his ringing tones reached even more people than did the deeper ones of Douglas.

Mr. Lincoln was, until he warmed into his subject, apologetic. He often seemed to have misgivings as to whether he was a proper man to be pitted against the distinguished Senator, and to feel that he could only bring himself to an attempt to answer him by his appreciation of the importance of the questions involved. His whole manner indicated candor and sincerity. He *appealed* to his hearers, asking them questions, and apparently taking them into his confidence, seeming to consult and advise with them, all the time giving the impression that he was feeling his way and also giving the impression that he had doubts whether, after all, the Senator was not right, and that after discussing the question under consideration, if it should appear that he himself was in the wrong he would be the first to acknowledge it. He would, as the lawyers say, file a demurrer, the best definition of which is "What of it?" That is, "Suppose that this declaration of the Senator is true, what does it amount to?"

And then he would reason it out and show how little there was in it.

Every assertion of the Senator would be tested in the crucible of Mr. Lincoln's analysis, and when it came out it was estimated at precisely what it was worth and no more.

Curiously, one will look in vain through all the debates for a high-sounding period. There were no ornaments of rhetoric, no passages that are now sought for repetition or declamation. In these regards those speeches bear no comparison with those of Burke or Pitt or Fox or Brougham, nor with those of Webster and Everett and Phillips and Ingersoll. But in close reasoning, in the logic that leads to irresistible conclusions, it may be doubted whether the speeches of Lincoln and Douglas have ever been equalled.

When the debates were first entered upon, men outside of Illinois asked, "Who is this man Lincoln?" and marvelled that he could have the temerity to attempt to meet in such a conflict a colossal character like the great Senator. At first his speeches were published only in the Illinois papers. As the debates went on the whole nation became intensely interested; the speeches of both were telegraphed to all the leading journals of the country and were taken up and read with avidity from ocean to ocean. In every house and office and shop and mill, men were found reading them and discussing them.

"Did you see how Lincoln turned the tables on the Little Giant with the Dred Scott decision?" asked one. "Read it! Read it aloud!" was the answer. "See how

Douglas answered him," cried another; and it was read. "The Little Giant is too much for your Springfield lawyer," said one. "The Little Giant has at last found his match," another replied. "It's all very well for Lincoln to talk his abolition doctrine in Northern Illinois," said the Douglas men after the Ottawa and Freeport debates. "You just wait until the Little Giant trots him down into Egypt, and you'll laugh out of the other side of your mouth."

The interest in the debates became so great that men forgot what position the two champions were contending for.

The immediate result of the campaign was, that, while Lincoln carried the State on the popular vote, Douglas carried a majority of the Legislature. Senator Douglas was reëlected, and, as he had done so many times before, Mr. Lincoln went back to his law office.

It may be said of the Lincoln-Douglas debates, that the ablest men of the nation were the champions, that the great prairies were the audience room, that the whole American people were the audience, that the Constitution of the United States was the platform, and that upon the elucidation and solution of the problems involved depended the fate of a continent.

When the Legislature convened, Senator Douglas was reëlected to the Senate.

But the malignant fight made upon him by the administration of President Buchanan continued and became more bitter. It became understood that the only avenue to political preferment was through hostility to Douglas. Not only to every Democrat who could

be induced to fight Douglas was held out the hope of reward, but the certainty of political ostracism confronted every Democratic office-holder who supported him. He had at the same time to contend with the new Republican party that was just beginning to become conscious of its strength, a young and strong and vigorous party, destined to dominate the policies of the Government for a generation. He had met an adversary who, although at first apparently unequal to the mighty responsibility, proved to be the ablest and best equipped champion that had ever appeared against him. With courage, fortitude, and persistence, by his indomitable will and transcendent ability, in the most obstinate and protracted political combat that had ever been fought upon the prairies, Senator Douglas had surmounted every obstacle and grandly won.

## CHAPTER XXVIII

### THE PRESIDENCY

**W**ITH the prestige of his victory, the Senator returned to Washington to enter upon the campaign for the nomination of a successor to President Buchanan, which was already begun.

It might be himself, as he had been three times presented in national conventions for the Presidential nomination. He was far and away the ablest man in his party. Now it seemed that he might succeed.

The Democrats of the North with almost perfect unanimity favored him. Had the Democrats of the South supported him he would no doubt have attained the goal of the ambition of his life. The integrity of the Union would have been maintained, and there would have been no Civil War.

But the Democrats of the South would not support Senator Douglas. They had become dissatisfied with him when he defeated the Lecompton Constitution and favored the admission of Kansas into the Union under an organic law of her choice. Following with intense interest the great Senatorial campaign in Illinois, the Southern politicians were indignant at his doctrine that a Territory could, notwithstanding the Dred Scott decision, protect itself from slavery by unfriendly legislation and the withholding police regulations, ideas



which he had proclaimed at Bloomington, repeated at Springfield, and reiterated at Freeport. As the same mad rabble that had shouted "Hosanna to the King!" afterwards cried "Crucify him! Crucify him!" so those Southern politicians, under the leadership of an administration he had placed in power, turned against Senator Douglas with the fury of demons. He had with his own hands drafted the acts organizing most of the Territories,—Kansas, Nebraska, New Mexico, Utah, California, and others. The administration had come to dominate the Senate; and that august body, by an act of injustice and outrage unprecedented, summarily removed Senator Douglas from a position he had long held and honored, the chairmanship of the Committee on Territories. Scarcely anything could be more mortifying, but it did not humiliate the great statesman. He was still great and proud and strong, every day demonstrating his superiority to those who sought to overwhelm him.

While at the South the men of his party would not be reconciled to him, Democrats of the North rallied to his support, determined that he should be their standard-bearer in the approaching national political campaign.

After his reelection to the Senate by the Legislature of Illinois he made speeches in other States, both North and South.

Curiously, in every one of those speeches he quoted from what had come to be known as Lincoln's "house divided against itself" speech, and endeavored to show that the Government could endure permanently half slave and half free; but in vain. The people seemed

to have settled down to the conviction that Mr. Lincoln was right in regard to this matter, and the more often he was quoted the more apparent did it appear.

In the course of his speaking Senator Douglas was invited to Winchester, where we introduced him to the reader of this volume. He received a cordial welcome from the citizens, to which he responded as follows :

“To say that I am profoundly impressed with the keenest gratitude for the kind and cordial welcome you have given me, in the eloquent and too partial remarks which have been addressed to me, is but a futile expression of the emotions of my heart. There is no spot on this vast globe which fills me with such emotions as when I come to this place and recognize the faces of my old and good friends who now surround me and bid me welcome. Twenty-five years ago, I entered this town on foot, with my coat upon my arm, without an acquaintance in a thousand miles, and without knowing where I could get money to pay a week’s board. Here I made the first six dollars I ever earned in my life, and obtained the first regular occupation I ever pursued. For the first time in my life I then felt that the responsibilities of manhood were upon me, although I was under age, for I had none to advise with and knew no one upon whom I had a right to call for assistance or friendship. Here I found the then settlers of the country my friends; my first start in life was taken here, not only as a private citizen, but my first election to a public office by the people was conferred upon me by those whom I am now addressing, and by their fathers. A quarter of a century has passed, and that



penniless boy stands before you with his heart full and gushing with the sentiments which such associations and recollections necessarily inspire."

As State conventions, called to elect delegates to the coming national Democratic convention, were held, State after State elected delegates instructed for Douglas.

Illinois, his own State, was in the lead. Her convention was held so early as the fourth of January, 1860. That convention resolved "That no honorable man can accept a seat in the national Democratic convention or should be recognized as a member of the Democratic party who will not abide the decisions of such convention and support its nominees." Resolved, "That the Democracy of the State of Illinois is unanimously in favor of Stephen A. Douglas for the next Presidency, and that the delegates from this State are instructed to vote for him and make every honorable effort to procure his nomination."

Indiana, Ohio, Minnesota, Iowa, Wisconsin, Michigan, Maine, New Hampshire, Vermont, Connecticut, New York, and other States followed the example of Illinois in instructing for Senator Douglas, and it was evident that he would receive a large majority for the nomination.<sup>1</sup>

<sup>1</sup> Afterwards in New York and Illinois delegations were made up through the efforts of the administration opposed to Douglas, but they were not admitted to the convention.

## CHAPTER XXIX

### THE CHARLESTON CONVENTION

**T**HE Democratic national convention met at Charleston, South Carolina, on the twenty-third of April, 1860.

From the first it was evident that no other candidate could receive half so many votes in the convention as Stephen A. Douglas. And why should he not be nominated? If any man had deserved such a nomination it was he. No other man had such a party record.

Eight years before, in 1852, Illinois had presented her favorite son for the nomination in the national Democratic convention held at Baltimore. On the first ballot he received only the twenty votes of his own State. But his vote ran steadily up until on the twenty-ninth ballot he received ninety-one votes; but Franklin Pierce was nominated.

In 1856, four years before, Douglas was, next to Mr. Buchanan, the leading candidate for the nomination, running up to 121 votes. When it appeared that a majority was for Mr. Buchanan, Douglas telegraphed directing the withdrawal of his name in order to preserve harmony in the party by giving Mr. Buchanan the requisite two-thirds. Now he himself was far and away the leading candidate in the convention, and in all fairness and justice he should have been nominated.

Had the men of the South been imbued with the sentiments of patriotism that animated the bosom of the great Illinois Senator, had they been as magnanimous as he had been, they would have remained in the convention, and either he or some other Democrat would have been nominated who would have led the party to victory. Under the leadership of Senator Douglas, while Kansas would have been free, there would have been no Civil War with all its calamities and horrors, and for many years thereafter the institutions of the South would have remained *in statu quo*. The decadence of slavery, which, even then, after the policy of its restriction had been entered upon, would have been so gradual as to cause but little anxiety or loss even to the slaveholders.

It cannot be denied that since the close of the Civil War the statesmen and people of the South, with but few exceptions, have manifested a feeling of magnanimity that is unparalleled in history. Through this, and through similar emotions on the part of the North, sentiments of patriotism are animating the people of both sections to a greater degree than ever before. But at that time, the men of the South in that convention were animated by no such emotions. There were delegates from the South in that convention who even then favored secession and were willing to plunge the country into the horrors of civil war, if that were necessary for the accomplishment of such a result. With men holding such extreme views the cry was "Anything to beat Douglas!"

Forty-five of these extreme Southern delegates

withdrew from the convention, which may properly be regarded as the initial step in a movement toward secession from the Union. From the time of the adoption of what were known as the "Virginia resolutions in 1798," declaring that "whenever the general Government assumes undelegated powers, its acts are unauthorized, void, and of no force," the States themselves being the judges as to the action of the general Government, there had been threats of secession whenever the action of the general Government was distasteful to the extremists of the South, but they had never up to this time acted in a manner so marked.

It may be said that the withdrawal of those forty-five Southern delegates from the national Democratic convention was the first overt act of secession.

It was decided that in order to secure nomination, two thirds of the full delegation (which numbered 303) in favor of a candidate should be necessary, according to the time-honored rule of the Democratic party, the candidate thus requiring 202 votes.

There were at Charleston fifty-seven ballots, in the course of which Douglas ran up to 152½. On the last twenty-one of those ballots Douglas received 151½ votes. The next highest on the last vote was James Guthrie of Kentucky, who received 65½ votes. R. M. T. Hunter of Virginia received sixteen, Joseph Lane of Oregon fourteen, Daniel S. Dickinson of New York four, and Jefferson Davis of Mississippi one.

After a stormy session of ten days the convention adjourned, to meet at Baltimore. The friends of Douglas hoped against hope through all those ten days of



FRANKLIN PIERCE





turmoil at Charleston that the Southern delegates would finally show the magnanimity he had shown, and give Senator Douglas the two-thirds required to nominate him; but they could not be induced to do so.

The convention adjourned on the third of May to meet at Baltimore on June 7.<sup>1</sup>

The opposition to Senator Douglas at Baltimore was even more bitter than at Charleston. A large number of delegates from the Southern States withdrew, leaving the convention almost entirely in the hands of his supporters. Upon balloting, Senator Douglas received 181½ votes, while all others received but 13 votes, and he was declared nominated.

The seceders met at once at another place, organized a rival convention, and nominated John C. Breckinridge of Kentucky for President.

<sup>1</sup> The wits of that day propounded the question, "In case an irresistible force comes in contact with an immovable body, what will be the result?" To which the answer was, "Adjourn to Baltimore."



## CHAPTER XXX

### LINCOLN AND DOUGLAS CANDIDATES FOR PRESIDENT

IN the meantime, on the sixteenth of May, the Republican convention assembled in Chicago and nominated Abraham Lincoln for President; and the "Constitutional Union party," which had assembled at Baltimore on the ninth of May, nominated John Bell of Tennessee.

The Democratic party which had long been in control of the Government was hopelessly divided upon sectional lines. The Northern Democrats were as united as ever before, and supported Douglas with enthusiasm; but the Southern Democrats, upon whom the party had long relied, turned against him and supported Breckenridge.

Notwithstanding their almost unanimous support of his bill abrogating the Missouri Compromise line and leaving the question of slavery to the people of the Territories of Kansas and Nebraska, they could not be reconciled to his carrying out the principle of "squatter sovereignty" in good faith, and favoring the admission of Kansas with a Constitution of their choice.

Had the question of the Presidency been left to the Democrats of the North there can be no doubt that notwithstanding the defection of the Democrats of the

South, Douglas would have been elected. Never had a candidate been supported with such earnestness and enthusiasm as was Douglas supported by the Democrats throughout the North. He was their idol. No other candidate who ever appeared before the people, not even Henry Clay, was supported by his followers with such unanimity and devotion. He had such an influence over them and such a hold upon them that wherever he led they would follow.

But the great question was not left to Northern Democrats.

The Republican party, which was defeated four years before, had obtained a foothold in every Northern State. The people of the whole nation had followed the great debates held upon the prairies of Illinois. They had become convinced that the Government could not endure permanently half slave and half free. They had been led to the conclusion that there should be no more slave States, that slavery must be placed where the public mind would rest in the belief of its ultimate extinction.

Abraham Lincoln, who had proclaimed these sentiments and expounded them in such clear and convincing eloquence as to carry conviction, was the Republican candidate for President. The Northern people became satisfied that he of all men would be able to carry them into effect. As the campaign proceeded it became more and more apparent every day that the tide was setting in favor of Lincoln.

Senator Douglas, mighty as he had always been, with the prestige of never having been defeated, supported

by as loyal and earnest followers as ever favored a candidate, put forth his whole strength to stem the tide. He spoke every day during the campaign at great centres of population. Tens of thousands of people turned out to hear him and manifested such devotion to him as had never been shown to another candidate. With all his effort, with all his buffeting, he could not stem the tide. The early local elections in Maine, Ohio, Indiana, Pennsylvania, and other States foreshadowed his certain defeat and the election of Mr. Lincoln.

In the meantime, while Senator Douglas spoke every day Mr. Lincoln remained quiet at his home in Springfield. He said: "The issue is really between Senator Douglas and me. The people heard and read our speeches in the debates two years ago, and are fully informed as to my views"; and it was impossible to induce him to say one word after he had given out his letter of acceptance, further than to express his appreciation of the courtesy of the delegations that called upon him.

It is scarcely possible for the people of this generation to have a proper appreciation of the difficulties under which Senator Douglas labored and the obstacles with which he was confronted during that great campaign. He was a Democrat, nominated by a convention which represented the great majority of his party; yet, with all the bitterness and malice of revenge, the President and the whole administration (a President and administration to whose success in gaining the election he had contributed more than any other human being)

pursued him with malignant hatred from the opening of the campaign to its close.

Every possible inducement was still held out to Democrats to turn against Douglas. The best offices within the gift of the President — marshalships, collectorships, postmasterships — were offered to Democrats as a reward for turning against Douglas. Democrats were still given to understand that support of Douglas closed every avenue to position, but that they might be favored if they should make a record of antagonism to Douglas. To the everlasting honor and glory of the Northern Democrats of 1860, it may be truthfully said that very few of them were influenced by such base threatenings or seductive allurements. With comparatively few exceptions none were influenced by them. They rallied to the support of the great Senator. John C. Breckenridge was the administration candidate for President. In Illinois, out of an aggregate vote of 339,693 Breckenridge received but 2,404.

It was known that Douglas could receive no electoral votes in the South, and that there could be no possibility of his election. Yet, so strong was his hold upon the people that in New York he received 312,510 votes; in Ohio 187,232 votes, and in Illinois 160,215. Out of 339,693 votes cast in Illinois in 1860 Lincoln's majority over Douglas was but 11,946. Had but 6,000 in Illinois who voted for Lincoln voted for Douglas, Douglas would have carried the State.

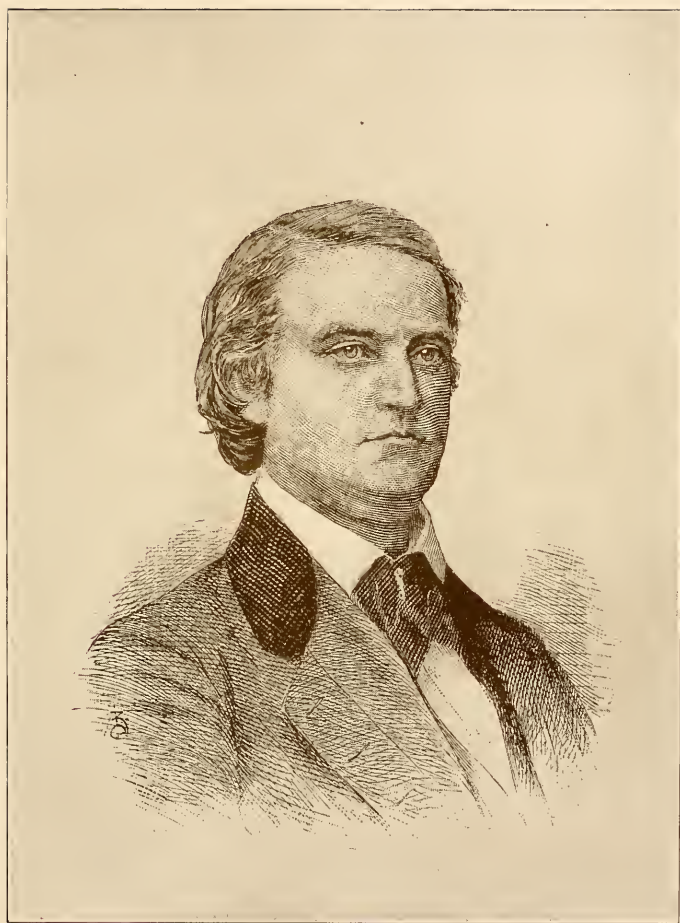
Of the entire popular vote Lincoln received 1,866,452 votes and Douglas received 1,376,957.

Never did another great statesman stand before the

world in a position so extraordinary as was that of Senator Douglas at that time. Regarded as the foremost American, with a record of achievement in inaugurating and carrying into effect policies that had surpassed those of any other statesman of his generation, — a man whose abilities had placed him at the front and given him the lead in every important public movement, — he had, almost from the time he entered public life, always been successful.

For a quarter of a century as he came before the people he had never been defeated. He had been for years the autocrat of both Houses of Congress. He had again and again been put forward in national conventions as a candidate for the Presidency. Yet it was becoming every day during the campaign more and more evident that, notwithstanding his transcendent abilities and his resplendent record of deeds performed, Stephen A. Douglas would be defeated at the polls. It was evident that the man who was to be elected was one whose name was scarcely known three years before beyond the limits of Illinois, but who had finally become known by showing himself capable of meeting the Little Giant and coping with him in the discussion of measures which he himself had originated and formulated and carried through Congress; a man as ambitious as he, whose whole life had been made up of disappointments; a man who, while he himself enjoyed all of position and power and emoluments that his State could bestow, was so often and so constantly defeated that, when fifty years old, he was moved to cry out, "My life has been a failure, a flat failure"; a man whom he could





JOHN C. BRECKENRIDGE





only designate as "a quiet, amiable, intelligent gentleman." Such a man was to attain the goal of ambition for which Douglas had all his life been struggling, and which had seemed to be almost within his reach.

Already the extremists of the South were plotting to plunge their people into the vortex of secession. They had come to believe that through defeating Douglas for the Presidency they could break his power, and that he would never again be a factor in public affairs; and so they put forth all their strength to crush him.

Never was a misguided people more mistaken. Every effort they made, every assault upon the great Senator, served to unite the party at the North in devotion to him. While by turning the Southern wing of the party against him they made his election to the Presidency impossible, their assaults upon him caused the rank and file of the party at the North to rally about him with such unanimity and zeal that they would follow wherever he led.

They did not realize it, he did not realize it; but through it all he was gathering strength and power through which those who so cruelly conspired against him were finally overwhelmed in disaster and defeat and death, and his country was saved.

Douglas received the full electoral vote of only one State, the State of Missouri, which gave him her nine votes; he received less than half the electoral votes of one other State, the State of New Jersey, which gave him but three of her seven electoral votes, making but twelve in all. Twelve electoral votes were all that the great Senator received.

Lincoln had 180 electoral votes, Breckenridge seventy-two, and Bell thirty-nine. Of the popular vote Lincoln had 1,866,552.

An analysis of the popular vote shows that, while Breckenridge received more than three times as many electoral votes as Douglas, of the popular vote Douglas received more than half a million more than he.

The electoral vote of Douglas was small, on account of Lincoln's vote being just sufficient in several States to give him a majority and carry to him the electoral vote. With the absolute certainty of his defeat, which was apparent before the election, it is remarkable that Douglas should have received the enormous aggregate of 1,376,957 votes.

## CHAPTER XXXI

### THE PATRIOTISM OF SENATOR DOUGLAS

SENATOR DOUGLAS devoted the remainder of his life to efforts to save the Union. He was then of the opinion that war would finally result in its dissolution.

On January 3, two months after the election of Mr. Lincoln, in a speech in the Senate he said :

“If war comes it must have an end at some time ; and that termination I apprehend will be a final separation. Whether the war last one year, seven years, or thirty years, the result must be the same—a cessation of hostilities when the parties become exhausted, and a treaty of peace recognizing the independence of each section. The history of the world does not furnish an instance where war has raged for a series of years between two classes of states divided by a geographical line under the same national Government, which has ended in reconciliation and reunion.”

Convinced that a result so appalling would be inevitable, he devoted all his energies toward effecting a compromise and averting war.

Being catechized while speaking at Norfolk, Virginia, during the political campaign, as to whether the election of Lincoln would justify secession, he frankly told the Southern people that, should Lincoln be chosen

President, he should not consider that a cause for resistance, but that he should adhere to and uphold the Union. While seeking the support of the Southern people, he gave them to understand that, should they rebel, they would have no support nor sympathy from him; they knew his position, and therefore there could be no misunderstanding after the result of the election was announced.

Committees were appointed, — one of thirteen, of which Senator Douglas was a member, and another consisting of one from each State; and conventions were held to formulate plans of compromise, in the hope, by these measures, to avert war. Upon the invitation of the Legislature of Virginia by a unanimous vote, a national peace conference assembled. In this conference many plans of compromise were formulated and proposed which received the support of patriotic men. The most noteworthy plan of compromise was that presented in the Senate by the venerable John J. Crittenden of Kentucky. He proposed as a plan of settlement amendments to the Constitution, by which the Missouri Compromise line be restored and slavery be forever excluded north of that line and recognized as existing south of that line; and which declared that slavery should not be interfered with by Congress, but should be protected as property by all the departments of the Territorial Government forever; and providing that Congress should have no power to abolish slavery in the District of Columbia, nor in places under its exclusive jurisdiction; that it should have no power to prohibit or hinder the transportation of slaves from one State to

another; that it should make the Fugitive Slave Law more effective, etc. With proposals of compromise Senator Douglas was in sympathy, and he gave such as could be considered his earnest support.

It is almost pathetic in reading the proceedings of Congress to see with what earnestness Senator Douglas strove to bring about a compromise of some kind and avert war. He begged and pleaded with Republicans of the North and Democrats of the South by concessions to adjust their differences, each side yielding a little. He offered even to surrender his doctrine of "popular sovereignty" and to restore the Missouri Compromise line on the terms proposed in the Crittenden compromise.

In his appeal to the Republicans of the North he said :

"Why cannot you Republicans accede to the reëstablishment and extension of the Missouri Compromise line? You have sung pæans enough in its praise and uttered imprecations and curses enough upon my head for its repeal, one would think, to justify you now in claiming a triumph for its reëstablishment. If you are willing to give up your party feelings — to sink the partisan in the patriot — and help me to reëstablish and extend that line as a perpetual bond of peace between the North and the South, I will promise you never to remind you in the future of your denunciation of the Missouri Compromise so long as I was supporting it, and of your praises of the same measure when we removed it from the statute book after you had caused it to be abandoned by rendering it impossible for us to carry it out."

The Republicans in Congress presented the olive branch and made every concession that was possible.



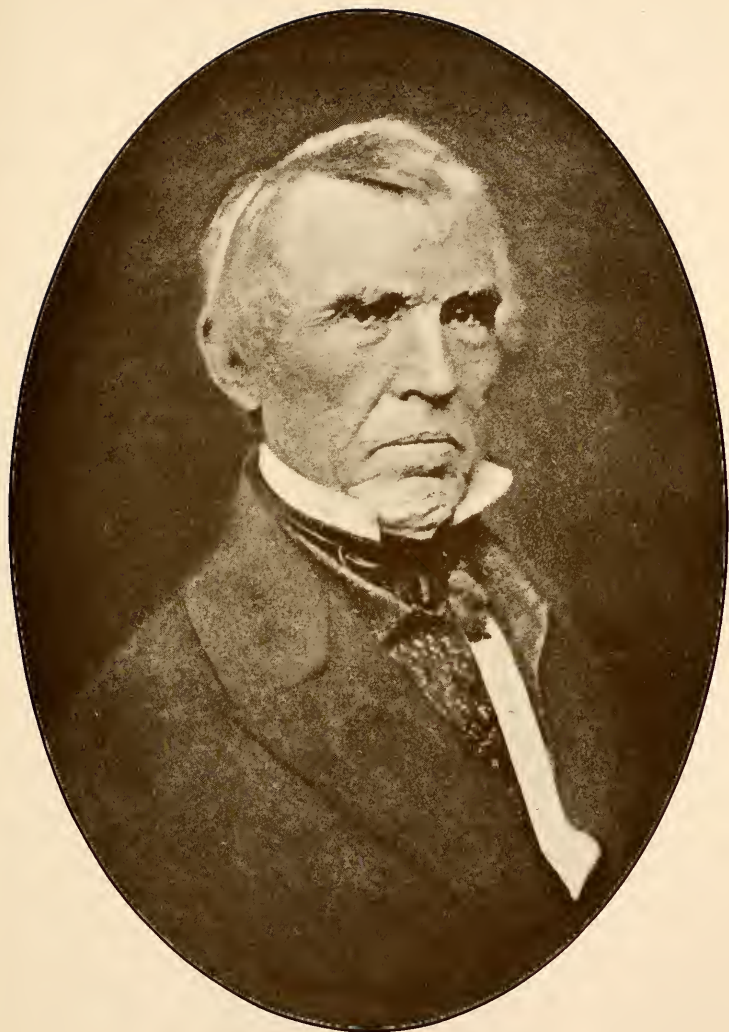
Through the withdrawal of Southern members the House of Representatives had become Republican by a considerable majority.

The committee of thirty-three, which had devoted itself patiently and earnestly to the work of formulating a plan of compromise, reported through Mr. Corwin of Ohio a series of resolutions, the most important of which were in substance as follows:

Recognizing slavery as it then existed in fifteen of the United States by the usages and laws of those States, and declaring that we recognize no authority, legally or otherwise, outside of a State where it so exists, to interfere with slaves or slavery in disregard of the rights of their owners or the peace of society;

Recognizing the justice and propriety of a faithful execution of the Constitution and the laws made in pursuance thereof on the subject of fugitives from service or labor, and discountenancing of all mobs or hindrances to the execution of such laws; and that the faithful observance on the part of all the States of all their constitutional obligations to each other and to the Federal Government is essential to the peace of the country; requesting each State to revise its laws, and, if necessary, so to amend the same as to secure, without legislation by Congress, to citizens of other States, travelling through it, the same protection as citizens of such State enjoy, etc.

Resolutions such as these formulated by the committee of thirty-three were presented in the House of Representatives and passed in a then Republican House by an overwhelming majority, the substance of which



JOHN J. CRITTENDEN



was to be adopted, by a convention properly called, into the Constitution. "Both Houses united in passing the joint resolve of said committee of thirty-three, which, ratified by the required proportion of the States, would have precluded forever any action of Congress adverse to the perpetuation of slavery in such States as should desire such perpetuation."

It was also proposed to admit, immediately, as a State, New Mexico, which then included Arizona, a Territory in which slavery already existed.

These provisions would have given the South a firm hold upon nearly every acre of our present territory where she could rationally hope to plant slavery.

## CHAPTER XXXII

### STRENUOUS EFFORTS TO EFFECT A COMPROMISE

**T**HE Republicans could not, under their platform upon which Mr. Lincoln was elected and under their solemn pledges, permit slavery to be introduced into territory where it did not then exist, but they could consistently pledge that it should remain in States and Territories where it did then exist and this they consented to do. Had the South accepted this olive branch they could have continued slavery indefinitely without its being disturbed.

There is no doubt that the tendency of the civilization of the age was hostile to slavery, and that the time would have come when it would have died out. Besides, by its being restricted it was placed, in the language of Mr. Lincoln, where "the public mind could rest in the belief of its ultimate extinction"; but this would have been so gradual as to have entailed comparatively little pecuniary loss to the slaveholders. In the light of subsequent events, the slaveholders by refusing to accept these too generous terms, made the most colossal blunder ever made by a misguided, unreasonable, and infatuated people.

The Republicans, as every intelligent Southerner knew, were so committed to the doctrine of "no more slave territory" that they could not if they

would, admit slavery to any locality where it did not then exist.

A clear and terse statement of the attitude and the limitations of the Republicans who had supported Mr. Lincoln in the campaign for his election will be found in a speech of the Hon. Benjamin F. Wade of Ohio, in the Senate. In the course of his speech Mr. Wade said :

“I tell you frankly that we did lay down the principle in our platform that we would prohibit, if we had the power, slavery from invading another inch of free soil of this Government. I have argued it to half a million of people, and they stood by it. They have commissioned me to stand by it, and so help me, God, I will! I say to you, while we hold this doctrine to the end, there is no Republican or convention of Republicans, or Republican paper that pretends to have any right in your States to interfere with your peculiar and local institutions. On the other hand, our platform repudiates the idea that we have any idea, or harbor any ultimate intention, to invade or interfere with your institutions in your own States. . . .

“I have disowned any intention on the part of the Republican party to harm a hair of your heads. We hold to no doctrine that can possibly work you any inconvenience, any wrong, any disaster. We have been and shall remain faithful to all the laws—studiously so. It is not, by your own confessions, that Mr. Lincoln is expected to commit any overt act by which you may be injured. You will not even wait for any, you say, but, by anticipating that the Government *may*



do you an injury, you will put an end to it — which means, simply and squarely, that you intend to rule or ruin this Government.”

There were statesmen in the South, notably Alexander H. Stephens of Georgia, who raised their voices to save the Union. While he decided to go with his State if she withdrew from the Union, and finally did go with his State, he opposed secession with earnestness and impassioned eloquence, and strove from the first to breast the storm. He pictured the calamities that must come as the result of secession even if it should succeed, in language that afterwards has seemed prophetic. It was all in vain. The pacific overtures of the Republicans were received with derision.

It is interesting to the student to follow the course of Senator Douglas during that eventful winter. In season and out of season he argued against secession and pleaded for the Union, addressing himself with the same earnestness to the Republicans of the North and the Democrats of the South. It was in a great degree through his efforts that the generous propositions were made to the South by the party that had been successful in the election.

His arguments against secession were unanswerable and conclusive.

“I do not think that I can find a more striking illustration of this doctrine of secession,” said Senator Douglas when the question was being discussed, “than was suggested to my mind when reading the President’s last annual message. My attention was first arrested by reading the remarkable passage, that the Federal



BENJAMIN F. WADE



Government had no power to coerce a State back into the Union if she did secede ; and my admiration was unbounded when I found a few lines afterwards, a recommendation to appropriate money to purchase Cuba. It occurred to me instantly what a brilliant achievement it would be to pay Spain three hundred million dollars for Cuba and immediately admit the Island into the Union as a State, and let her secede and reannex herself to Spain the next day, when the Spanish Queen would be ready to sell the Island again for half price according to the gullibility of the purchaser."

This is but one specimen of the arguments he used in the discussions of the questions involved, in which no one took a more prominent part.

## CHAPTER XXXIII

### THE SOUTHERN CONFEDERACY

**I**N the meantime the "Cotton States," led by South Carolina, one by one adopted ordinances of secession from the Union and proceeded to organize into a Confederacy to establish an independent Government. Seven States — South Carolina, Florida, Mississippi, Alabama, Georgia, Louisiana, and Texas — by their delegates assembled at Montgomery, Alabama, and on the ninth of February proceeded to adopt a framework of government, calling it "The Confederate States of America."

Jefferson Davis of Mississippi was unanimously elected President, and Alexander H. Stephens of Georgia Vice-President.

Mr. Davis made twenty-five speeches when *en route* to Montgomery, the character of which may be judged from the following extract from that made at Stevenson, Alabama :

"Your border States will gladly come into the Southern Confederacy within sixty days, as we will be their only friends. England will recognize us, and a glorious future is before us. The grass will grow in the Northern cities, where the pavements have been worn off by the tread of commerce. We will carry war where it is easy to advance, where food for the sword

and torch await our armies in the densely populated cities; and though they [the enemy] may come and spoil our crops, we can raise them as before, while they cannot rear the cities which took years of industry and millions of money to build."

Mr. Davis was inaugurated as President of the Southern Confederacy on the eighteenth of February.

In the meantime, through treachery on the part of President Buchanan's Secretary of War, the munitions of war, the arms and ammunition of the United States, were quietly being transferred into the Confederate States from Government ordnance and storehouses.

In his work entitled "The Lost Cause, a New Southern History of the War of the Confederates," Mr. Edward A. Pollard, the historian of the Confederacy, says of the situation when the Confederate Government was inaugurated:

"Fort Moultrie and Castle Pinckney had been occupied by the South Carolina troops; Fort Pulaski, the defence of Savannah, had been taken; the arsenal at Mount Vernon, Alabama, with twenty thousand stand of arms, had been seized by the Alabama troops; Fort Morgan, in Mobile Bay, had been taken; Forts Jackson and St. Philip and Pike, near New Orleans, had been taken by the Louisiana troops; the Pensacola Navy Yard and Forts Barrancas and McRea had been taken, and the siege of Fort Pickens commenced; the Baton Rouge Arsenal had been surrendered to the Louisiana troops; the New Orleans Mint and Custom House had been taken; the Little Rock Arsenal had been seized by the Arkansas troops, and, on the eighteenth of February,



General Twiggs had transferred the military posts and public property in Texas to the State authorities."

Mr. Pollard further says :

"Mr. Floyd of Virginia, when Secretary of War under Mr. Buchanan's administration, had, by a single order, effected the transfer of 115,000 stand of arms from the Springfield Armory and Watervliet Arsenal (at Troy, New York) to different arsenals at the South."

Fortified as she thus was for the event of war, there was still another element in the impending crisis that gave the South more confidence in the success of the mighty conspiracy than the possession of forts and arsenals and armories and munitions of war. This confidence was inspired by the division of the people of the North. That the North was divided, and apparently hopelessly, was so evident as to make assurance doubly sure that, even if attempted, an effort to subdue the Confederates could involve them in but little difficulty.

They had, not without reason, become convinced that the great Democratic party of the North would never permit the raising and equipping of an army to march against them. On the other hand, the expressions of Mr. Lincoln, the President elect, had been so moderate that they had become satisfied that he would follow the sentiment expressed by Horace Greeley in the leading Republican newspaper of the country, which had advised that they be permitted to "depart in peace."

As the sequel proved, the Southern people had not properly estimated the character of Abraham Lincoln.

They finally came to realize that his appeals to them to listen to reason, and the presenting of the olive branch in his speeches on the way to Washington — that his pledges in his inaugural that he would enforce the Fugitive Slave Law and all the guarantees of the Constitution that slavery in the States would not be interfered with, and all his pathetic appeals to the people of the South — did not mean that he would quietly look on and permit them to destroy the Government without an effort to protect and defend it.

As they heard and read sentiments uttered throughout the North by Democrats, they did not properly estimate the potentiality and transcendent ability of another Illinois statesman, whom they had spurned and sought to trample under their feet.

## CHAPTER XXXIV

### A SOLID SOUTH AND A DIVIDED NORTH

THEY had reason to believe that the great Democratic party of the North would, if coercion should be attempted, take up their cause and through a "fire in the rear" ensure their success.

By recalling some of the sentiments expressed at that time it will be seen with how much reason they were justified in their reliance upon the Democrats of the North. *The Bangor [Maine] Union* declared, that "the difficulties between the North and the South must be compromised, or the *separation of the States shall be peaceable*. If the Republican party refuse to go the full length of the Crittenden amendment—which is the least the South can or ought to take—then, here in Maine, not a Democrat will be found who will raise an arm against his brethren of the South. From one end of the State to the other, let the cry of the Democracy be, *Compromise or peaceable separation*."

*The Detroit Free Press*, of February 3 or 4, said: "We can tell the Republican Legislature and the Republican administration of Michigan and the Republican party, everywhere one thing; that, if the refusal to repeal the Personal Liberty laws shall be persisted in, and if there shall not be a change in the present seeming purpose to yield to no accommodation of the national

difficulties, and if troops be raised in the North to march against the people of the South, *a fire in the rear will be opened upon such troops, which will either stop their march altogether, or wonderfully accelerate it.*

“In other words, if, in the present position of the Republican party toward the national difficulties, war shall be waged, *that war will be fought in the North.* We warn it, that the conflict which it is precipitating will not be with the South, but with tens of thousands of people in the North. When civil war shall come, it will be here in Michigan, and here in Detroit, and in every Northern State.”

On the last day of January, 1861, probably the strongest and most imposing assemblage of delegates that ever up to that time had convened in the State of New York, a Democratic State convention called to consider the impending peril of disunion, was held at Albany.

While in that convention there were a few voices raised against secession, declaring it to be treason that should be put down, such sentiments as the following were received with rapturous applause:

Alexander B. Johnson declared: “We are certain that the will of a large portion of the citizens of this State is against any armed coercion on the part of the general or State Government to restore the Union by civil war. . . . If, therefore, we now attempt to strengthen the Government by coercive action, which all men know its founders would have rejected with scorn, we are the revolutionists and not the South.”

Governor Seymour held the Republicans entirely responsible for the situation, urged compromise, and said:

“Let us see if successful coercion by the North is less revolutionary than successful secession by the South. Shall we prevent revolution by being engaged in overthrowing the principles of our Government?”

Mr. James S. Thayer said: “If a revolution of force is to begin, it shall be inaugurated at home. . . . When six States, by the deliberate, formal, authoritative action of their people, dissolve their connection with the Government, and nine others say that that dissolution shall be final if the seceding members so choose, announcing to the North, ‘No interference! We stand between you and them’; can you bring them back? No! . . . What, then, is the duty of the State of New York? What shall we say to our people when we come to meet this state of facts? That the Union must be preserved? But if that cannot be, what then? *Peaceable separation.*”

In the course of an unusually earnest address in the convention opposing the idea of coercion, Chancellor Reuben H. Walworth exclaimed:

“Civil war will not restore the Union, but will defeat forever its reconstruction. It would be as brutal, in my opinion, to send men to butcher our own brothers of the Southern States, as it would be to massacre them in the Northern States.”

The editorials which have been quoted from Northern Democratic papers are similar to those which appeared in many Democratic papers in other States, East and West; and the speeches made in the great Democratic convention of New York are similar in character to those made by leading Democrats of other Northern States. It was frequently declared in Illinois that if



REUBEN H. WALWORTH





coercion should be attempted, the war would begin at Springfield and be fought down through the State. It is not at all remarkable that the secessionists were led by such declarations to believe that the North would be divided, and that the Confederacy they had inaugurated at Montgomery with Jefferson Davis at its head need have no apprehension of serious difficulty in disrupting the Union; nor was it remarkable that they should have declared exultingly, as they did declare when the report came of the proceedings of the great New York convention: "If your President should attempt coercion, he will have more opposition at the North than he can overcome."

Senator Douglas sought to the very last moment to avert war. He was criticised for his efforts to effect this purpose through overtures to the South; and there were those who, because of the proposals he made, apprehended that his sympathies were so enlisted in behalf of the Southern people that he would sustain them in case of a conflict of arms.

He also pleaded with and begged the Republicans of the North to yield to the demands of the South to such a degree as to satisfy them. As he said subsequently, he went to the "very extreme of magnanimity" in his concessions to the South. It was all of no avail. Supported as they believed themselves to be by the great mass of the Democrats of the North, the Southern people would seriously consider no proposition that did not involve the recognition of the Confederate Government already established at Montgomery, and the dissolution of the Union.

There was no question as to the legality of the election of Mr. Lincoln to the Presidency. His majority in the electoral college was so great as to preclude any possibility of cavil as to his having been chosen by the American people as provided by the Constitution for the office. On his way to Washington he appeared before great audiences to express his views as to the impending crisis and the complications which threatened disruption of the Government; and every one of his speeches breathed sentiments of good will and generosity to the people of the South.

Notwithstanding all this, the bitterness and hostility against the Government were augmented rather than diminished. So intense did this become that his friends became apprehensive for Mr. Lincoln's personal safety. That there was reason for this apprehension was proved by subsequent events.

## CHAPTER XXXV

### INAUGURATION OF PRESIDENT LINCOLN

VOLUMES have been written upon Mr. Lincoln's first inauguration and his inaugural address.

The writer was present upon this great occasion and was in a position to realize how serious was the situation.

Feverish anxiety pervaded all classes lest violence should be shown against the President elect. Malevolence was manifested a few years later, which resulted in his assassination.

So apprehensive of danger were the authorities of the Government that precautions were taken by stationing troops that could be made available at a moment's notice, and thoroughly armed detectives in citizen's clothing were scattered through the great audience.

When the President elect was introduced, as he looked around for a place to deposit his hat, Senator Douglas stepped forward and took it and held it, looking over the audience with an expression in his countenance the significance of which could not be misunderstood; it indicated more clearly and eloquently than could have been expressed in words a declaration that the man who stood before them and was about to take the oath of office was the President of the United States, and as such must be respected and obeyed. It was an

act on the part of the great Senator of which history does not furnish a parallel. Never before was such a demonstration of acquiescence in, and obedience to, the mandate of the people. Never before did the defeated candidate for the Presidency manifest such loyalty and devotion to his successful rival; never before was an emergency which demanded such a demonstration; and never before was one met in so simple and effectual a manner. It indicated that whatever other Democrats of the North might do, there was no uncertainty in the awful crisis as to the position of the greatest, mightiest, and most illustrious of them all.

President Lincoln's inaugural address disappointed many men of his party, and was not received with favor by the men of the South. Its habitual tone was apologetic. He said in the course of his address: "I shall take care, as the Constitution itself expressly enjoins upon me, that the laws of the Union shall be faithfully executed in all the States," and added, "I trust that this will not be regarded as a menace, but only as the declared purpose of the Union that it will constitutionally defend and maintain itself."

Instead of resenting and denouncing the action of the secessionists in withdrawing from the Union and organizing a separate and independent Government, instead of threatening to put the secessionists down, he pleaded with them and even begged them to come back into the Union. He declared that the power confided to him would be used simply to "hold, occupy, and possess the property and places belonging to the Government and collect the duties and imports; but beyond what may

be necessary for these objects there will be no invasion, no using of force against or among the people anywhere"; and he went so far as to declare that "where hostility against the United States shall be so great and so universal as to prevent competent resident citizens from holding the Federal offices, there will be no attempt to force obnoxious strangers upon the people for that object."

He said that the mails, *unless repelled*, would continue to be furnished in all parts of the Union. He pledged himself and his administration that there should be no interference with slavery in the States where it existed, and that he would enforce the Fugitive Slave Law. He indicated that he would sanction an amendment to the Constitution providing that the "Government shall never interfere" with slavery in the States. His strongest argument went to prove that no State could legally withdraw from the Union without the consent of the other States that were parties to the compact.

The address abounded in such declarations as "To those who love the Union may I not speak?" "Think if you can of a single instance in which a plainly written provision of the Constitution has ever been denied!" "My countrymen, one and all, think calmly! Nothing valuable can be lost by taking time." "Such of you as are now dissatisfied still have the old Constitution unimpaired." "There is no reason for precipitate action." "Intelligence, patriotism, Christianity, and a firm reliance on Him who has never yet forsaken this favored land are still competent to adjust in the best way all our present difficulties." "In your hands, my



dissatisfied fellow countrymen, and not in mine, is the momentous issue of civil war.”

The address concluded with one of the most earnest, eloquent, and pathetic appeals that was ever uttered.

“I am loath to close. We are not enemies, but friends. Though passion may have strained, it must not break, our bonds of affection. . . . The mystic chords of affection, stretching from every battlefield and patriotic grave to every living heart and hearthstone all over this broad land, will yet swell the chorus of the Union when touched, as surely they will be, by the better angels of our nature.”

There was much criticism by Republicans upon his pledging himself not to invade the territory of those who had organized a Government in hostility to the United States, and that he would not use force against them, and that where there was hostility against the United States such as to prevent resident citizens from holding Federal offices there would be no attempt to force obnoxious strangers upon them; which, it was said, amounted to a pledge to appoint men in rebellion to collect the revenues and hold the Federal offices. There were many who thought that, instead of appealing to and begging the secessionists to come back, he should have told them plainly that the Government would put them down.

Some declared that the situation was no better than it was under Buchanan. There was much denunciation of Mr. Lincoln's taking so much pains to pledge slave-holders who were in arms, that the Fugitive Slave Law should be enforced, and even suggesting

that the Constitution be so amended as to preclude forever interference with slavery in the States. Certain men who had supported Mr. Lincoln went so far as to declare that it would have been better to elect Douglas; that he would, instead of going down upon his knees to Jeff Davis and his Confederate Government, have marshalled an army and marched against them and put them down.

In the light of subsequent events it is the general consensus of opinion that that inaugural address of President Lincoln was one of the most judicious, and wise, and able state papers that was ever promulgated.

There were other Southern slave-holders besides those of the cotton States who had organized the secession Government at Montgomery. These others were slave-holders of the border States. There were tens of thousands of people of the North who were not then ready to enter upon a policy of coercion. More than any one else, Mr. Lincoln realized the potentiality of these elements, and he knew that it would be fatal to the Federal Government to drive them from his support. This, as the event proved, was a matter of the utmost importance. By his prudence and magnanimity he held these elements from antagonizing him.

An important, perhaps the most important, effect of such a generous conciliatory address was, that it proved to the whole civilized world that there was no reason nor justification for the secessionists to turn against the Government; that they had no just cause for rebellion; that not one wrong had been inflicted

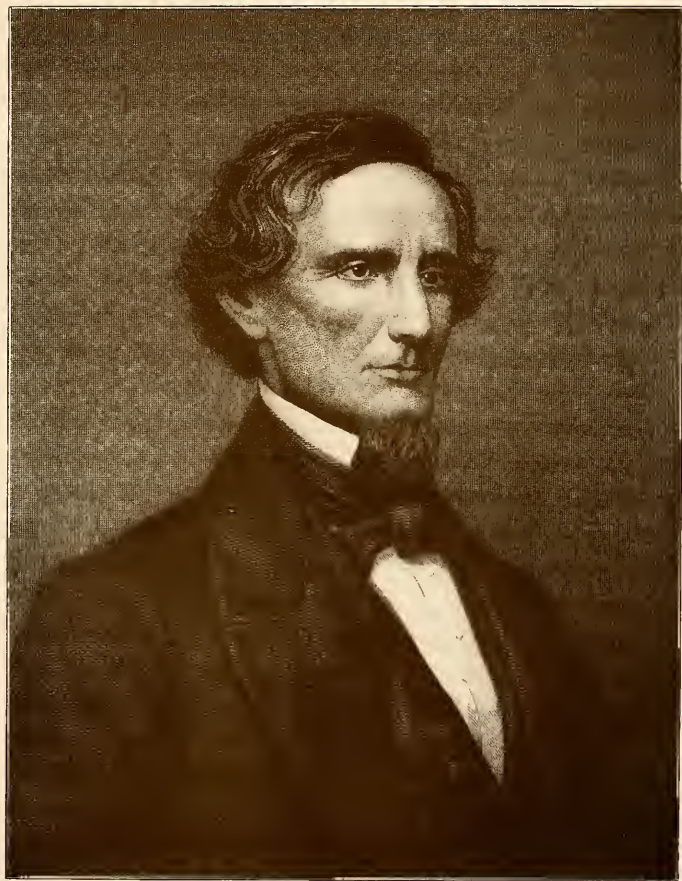
upon them, nor one constitutional right invaded; that the door was still open for them to return to their allegiance, and that they would be received with open arms.

These statesmanlike views of President Lincoln and the proofs he made had a great influence among the peoples of the civilized world who gave the Government their sympathy, and, more than once, their support, during the war which followed.

Many times and often during the great war patriotic men who became impatient with President Lincoln, and went so far as to denounce him, found and acknowledged that, after all, he had been right and they wrong; of this, his first inaugural and the manner in which it was at first received was a conspicuous example.

Notwithstanding all the declarations and assurances of President Lincoln, the misguided men of the Confederacy, impelled by zeal and fanaticism which finally resulted in overwhelming them, began hostilities against the Union. Had they, as did President Lincoln, patiently awaited events and not precipitated war, with the divisions in the Democratic party and the general and growing hatred of coercion, North as well as South, the sympathy of the country at large and of the civilized world might have in a great degree continued with them.

They could not restrain themselves; and the result was that on the twelfth of April, but little more than a month after Mr. Lincoln's inauguration, Fort Sumter was fired upon.



JEFFERSON DAVIS



## CHAPTER XXXVI

### A MOMENTOUS CONFERENCE

WHILE the guns were yet reverberating in Charleston Harbor a great statesman was seen making his way through the streets of Washington to the Executive Mansion. It was Stephen A. Douglas. It was his first visit to the President since he had entered upon the office. The President's voice was heard in most cordial welcome as the door closed which closeted together the two greatest statesmen and most potential personages upon the continent. Each in his own person represented the character, the intelligence, the patriotism of a great political party. Less than six months before that eventful day the loyal men of the country had assembled at their places of voting and expressed their choice for one or the other of these two men for chief magistrate of their country, to direct its destinies. For the one, Abraham Lincoln, were cast 1,866,552 votes; for the other, Stephen A. Douglas, were cast 1,376,957 votes. The aggregate vote cast for both was over three millions. All the votes for these two were cast by men who had attained to majority, men who were the devoted followers of one or the other of these two statesmen, and who were disposed to follow them wherever they might lead. It was claimed at that time, as was no



doubt the case, that the supporters of Douglas were more devoted to him than had ever been the followers of any other American statesman.

This meeting of Abraham Lincoln and Stephen A. Douglas, held while the rebel shot and shell were falling upon the walls of Fort Sumter, was the most momentous conference ever held upon the western hemisphere. Its importance and far-reaching significance may be estimated by its results. From that hour the patriotic men of the nation, without regard to political affiliation, became united in a common purpose to put down rebellion and save their country.

When Senator Douglas emerged from the Executive Mansion he was driven at once to the office of the associated press where he dictated a telegram announcing that he had pledged to the President his most earnest and active coöperation toward putting down rebellion and saving his country in the awful crisis, and calling upon every friend he had to come forward and do the same. This was especially addressed to men of his party who had supported him in his candidacy for the Presidency, and it was of the nature of a summons. In all the leading newspapers of the United States from Maine to California it appeared simultaneously with the dreadful news of the attack upon Fort Sumter. "One blast upon his bugle horn was worth a million men."

There were still men in the Democratic party who were old enough to have been familiar with the patriotic public services and resplendent achievements of the Senator during his whole career. They recalled how

he had vindicated their hero Andrew Jackson, whose memory was still among the most sacred of those they treasured; they recalled how he had fought for the "fifty-four forty or fight" doctrine, in which they all believed, when the Oregon question was before the people; they recalled how desperately he had struggled to breast the tide of the uprising of 1840 which engulfed and almost overwhelmed the Democratic party; they had not forgotten how ably and eloquently he had championed the movement in favor of the war with Mexico, which resulted in our acquisition of a vast region including California, New Mexico, and Arizona; they remembered how he had championed American interests upon the whole western hemisphere by assailing the Clayton-Bulwer treaty; they remembered how he had proclaimed the doctrine of popular sovereignty, and his heroic battle against forcing slavery upon the people of Kansas.

The Democrats of the North had not become reconciled and never could become reconciled to the barbarous and inhuman treatment inflicted by the Southern delegates upon their great leader in the national Democratic convention at Charleston and Baltimore, although he himself had twice before withdrawn his name in national conventions to preserve harmony in the party.

## CHAPTER XXXVII

### DOUGLAS AROUSES HIS PARTY IN THE NORTH

AND so, upon reading the summons of their great leader whom they had followed for so many years, Democrats were as eager in response to his summons to answer to the call of the President for troops as were the men of his own party. Side by side, shoulder to shoulder, Democrats and Republicans took their places in the ranks and marched away to suffer and fight and die for their country. When their ranks were depleted, others took their places and filled up the decimated companies.

As had always been the case in the career of the great Senator, the rank and file of the party obeyed his summons and the leaders found it necessary for themselves to follow the popular mandate.

Leading Democrats, some of whom, in their zeal to manifest their goodwill toward their Southern brethren, had even gone so far as to censure the Senator, when they came to realize how promptly and with what unanimity the rank and file of the Democratic party responded to his call, themselves joined in the general acclaim and united with their patriotic party friends in support of the Government. Fortunately there were few reporters to take down and preserve their hasty and treasonable expressions, and they are remembered only

by those with whom the memories of long ago still linger, who, like them, are rapidly passing away. Some of those who were most indiscreet entered the Union army, and proved themselves to be the noblest and bravest of patriots, and some few of them rose to high position.

There is no better illustration of the potentiality of Douglas with the rank and file of his party than that presented by the most southern of the Illinois congressional districts, known as "Egypt," which in the Presidential election had given Douglas nearly twenty thousand majority over Lincoln. It was said that that district furnished to the Union army more men, in proportion to population, than any other district in the United States.

After that memorable telegraphic summons of Senator Douglas, calling upon the Democrats to enlist themselves in the cause of their country, there was no more talk in Illinois of the war beginning at Springfield and being fought down through the State.

The author of these pages was at that time in a position to observe and appreciate what was going on among public men and in public affairs. It seemed to him that the great Senator had a premonition that, whatever he would be able to do further in service of his country must be entered upon and accomplished speedily. He seemed to feel that there was a great work for him to do, and that it must not be delayed.

From the hour of Mr. Lincoln's election he had labored incessantly to avert war. His appeals to the victorious Republicans on the one hand, and to the men

of the South on the other, to make concessions in the hope of effecting a compromise, were pathetic. He offered as has been said to surrender his own cherished policies, even going so far as to propose to restore the Missouri Compromise line, if that would reconcile the conflicting interests. He seemed to realize to a greater degree than any other American statesman how much of sacrifice and suffering and sorrow must come from a conflict of arms. He took part in every effort for conciliation, in the committees and other organizations created in the hope of compromise.

When the flame of war burst forth and hostilities actually began, he seemed to realize as did no other American statesman, that there could be no further hope of compromise and that there would be no end to the conflict until the Confederates were overpowered and overwhelmed in defeat; and that all the power of the government must be exerted by a united and determined and persistent effort to accomplish this result.

Immediately after the memorable conference with President Lincoln and the sending out of that inspiring telegraphic proclamation summoning his supporters to arms, Senator Douglas went before the people and appeared at great mass meetings exhorting his friends to rally to the support of the Government.



STEPHEN A. DOUGLAS





## CHAPTER XXXVIII

### SPEAKS AT SPRINGFIELD AND CHICAGO

**A**T Springfield, Illinois, the capital of his own State, he was called upon to address both Houses of the Legislature in joint session. The chamber was crowded to its utmost capacity, and a vast number could not gain admission. The Hon. Shelby M. Cullom, who still survives in full intellectual vigor, was then Speaker of the House of Representatives. He presided and introduced the Senator, who spoke with more emotion than he had ever before manifested, and with great earnestness.

After calling attention to the widespread conspiracy to overthrow the Government, and the boast of the "Secretary of War of the so-called Confederate States, that by the first of May the rebel army will be in possession of the Federal capital," and after stating that "our great river has been closed to the commerce of the world," and that "piratical flags under pretended letters of *marque* are afloat on the ocean," he said, "the only question for us is, whether we shall wait supinely for the invaders, or rush as one man for the defence of that we hold most dear." He said also: "So long as hope of peace remained, I pleaded and implored for compromise. Now that all else has failed there is but one course left, to rally as one man to the

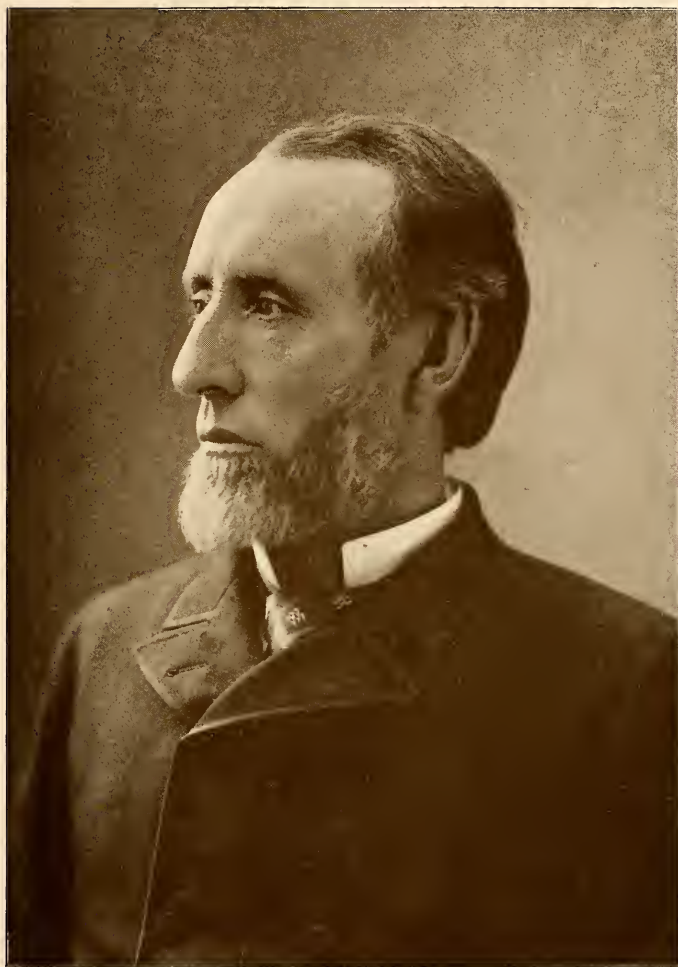
flag of Washington, Jefferson, Hamilton, Madison, and Franklin." He went on to show that not a single act had been done to justify this mad attempt to overthrow the Republic; that not one right of the South had been invaded; that no attempt had been made to interfere with slavery where it existed; that the Fugitive Slave Law was enforced; and that there was no excuse for, and that there could be no palliation of, "the prodigious crime against the freedom of the world, to attempt to blot the United States out of the map of Christendom." He said to his old friends, "You will be false to, and unworthy of, your principles if you allow political defeat to convert you into traitors to your native land."

The climax of the address, to which the Senator led up, was the exclamation, "The shortest way now to peace is the most stupendous and unanimous preparation for war."

From Springfield the Senator proceeded to Chicago, where he spoke in the great "wigwam" in which President Lincoln was nominated.

It was pathetic for him to say: "If war must come, if the bayonet must be used to maintain the Constitution, I say before God that my conscience is clear. I have struggled long for a peaceful solution of the difficulty. I have not only tendered these States what was theirs of right, but I have gone to the very extreme of magnanimity.

"The return we receive is war; armies marching upon our capitol; obstructions to our navigation; letters of *marque* to invite pirates to prey upon our commerce; a concerted movement to blot out the United



S. M. CULLOM



States of America from the map of the globe. The question is, Are we to maintain the country of our fathers, or allow it to be stricken down by those who, when they can no longer govern, threaten to destroy.

“What cause, what excuse do disunionists give us for breaking up the best Government upon which the sun of heaven ever shed its rays? They are dissatisfied with the result of the Presidential election. Did they never get beaten before? Are we to resort to the sword when we get beaten at the ballot box? I understand that the voice of the people, expressed in the mode appointed by the Constitution, must command the obedience of every citizen. They assume on the election of a particular candidate that their rights are not safe in the Union. What evidence do they present of this? I defy any man to show any act on which it is based. What act has been omitted to be done? I appeal to these assembled thousands, that, so far as the constitutional rights of slave-holders are concerned, nothing has been done and nothing omitted of which they can complain.

“There has never been a time since the days that Washington was inaugurated first President of the United States, when the rights of the Southern States stood firmer under the laws of the land than they do now. There never was a time when they had not as good a cause for dissension as they have to-day. What good cause have they now which has not existed under every administration? The only complaints that I have heard have been of the too vigorous and faithful enforcement of the Fugitive Slave Law.



“The slavery question is a mere excuse. The election of Lincoln is a mere pretext. The present secession movement is the result of an enormous conspiracy, formed more than a year since, formed by leaders in the Southern Confederacy, more than twelve months ago.

“But this is no time for the detail of causes. The conspiracy is now known. Armies have been raised, war is levied to accomplish it. There are only two sides to the question. Every man must be for the United States or against it. There are to be no neutrals in this war, only patriots and traitors.

“Thank God, Illinois is not divided on this question. I know they expected to present a united South against a divided North. They hoped that in the Northern States party questions would bring civil war between Democrats and Republicans, when the South would step in with her cohorts, aid one party to conquer the other, and then make easy prey of the victors. Their scheme was carnage and civil war in the North.

“There is only one way to defeat this. In Illinois it is being so defeated by closing up the ranks. War will thus be prevented upon our own soil. While there was a hope for peace I was ready for any reasonable sacrifice or compromise to maintain it.

“Illinois has a proud position — united, firm, determined never to permit the government to be destroyed. I express to you my conviction before God that it is the duty of every American citizen to rally around the flag of his country.”

For many years every public expression of Senator Douglas had been printed and read far and wide. The

interest in what he then said was more intense than ever before. His utterances appeared in every public newspaper of the United States. The fact that he had so recently been the standard-bearer of his party gave his views character and potentiality that were, with the Democratic party East and West, authoritative. This was the case in New England, the Middle States, in the great West, on the Pacific coast, everywhere. Despite what *The Bangor Union* might now say, the Democrats of Maine were loyal to Senator Douglas and the Union. *The Detroit Free Press*, *The Chicago Times*, and other papers of similar tendencies were shorn of any power for harm, as were also Democratic conventions such as had been held but a few weeks before at Albany. The revulsion of feeling had its influence upon newspapers, conventions, and orators, to such an extent as to tone down their fulminations to such a degree that they could make no more mischief.

## CHAPTER XXXIX

### THE NORTH UNITED

**T**HE Confederacy very soon came to realize that they could expect no sympathy from the great Democratic party of the North, which had supported Douglas for the Presidency; that, instead of the war being fought upon Illinois, Michigan, New York, or New England soil, it would be fought upon their own fields, and about their own firesides; that instead of there being a "fire in the rear" of the Union army, the fire would be against them, from guns in the hands of Northern Democrats.

Speaking of the situation at that time, E. A. Pollard says, in "The Lost Cause":

"What was most remarkable in this display of popular fury was its sudden and complete absorption of the entire Democratic party in the North, which had so long professed regard for the rights of the Southern States, and even sympathy with the first movements of secession. This party now actually rivalled the abolitionists in their expressions of fury and revenge. They not only followed the tide of public opinion, but sought to ride on its crest."

There was no more talk, nor even suggestion, of peaceable separation.

What might have been the effect upon Douglas



EDWARD A. POLLARD



men, had their great leader held aloof, or even hesitated, in the great crisis, was a matter of speculation at the time.

Many of them would no doubt finally have been found upon the side of patriotism and of the Union; but there would have been no such unanimity and spontaneity and enthusiasm as that which was manifested when he called.

It must be admitted that there were men in the North whose sympathy and support were given to the South, who were called "Copperheads." While they made some considerable trouble to the Union men, their numbers were not so great as to cause alarm. Few, if any, of those pernicious pests were Douglas Democrats.

As he stood before that vast assemblage in Chicago, Senator Douglas was the mightiest and most potential figure in the galaxy of American statesmen. An extreme partisan during all his mature life, adored and execrated as had never been another American, here patriotic men of every shade of opinion and of every political party listened with breathless interest for every word that fell from his lips, and vied with each other to do him honor. Such enthusiastic greeting, such rapturous applause, had never been accorded to another public man since the days of the fathers. Every one who took part in the great demonstration felt that the Senator's utterances were the expression of the emotions of all the patriotic people of the great nation, from ocean to ocean, who would, had it been possible, have been present to unite in the glad acclaim. Patriotic



men who then saw the great Senator for the last time recalled in later days the splendors of that great ovation; and as they realized that he had been withdrawn forever from their view and that they would never again see his familiar face and form, they felt that they had witnessed his transfiguration.



THE TREMONT HOUSE, CHICAGO  
*Where Douglas Died*

*By permission of the Chicago Historical Society*



## CHAPTER XL

### DOUGLAS'S LAST ADMONITION

**F**ROM that mighty impassioned assemblage the great Senator was driven to the old Tremont House, his home, which he never afterwards left.

The strain upon his physical and mental faculties was too much for him. On the third day of June, 1861, only a few days after this, his last appearance before his fellow-citizens whom he loved so dearly, and whom he had served so faithfully, he died. But he had lived to see tens of thousands of his devoted followers take their places in the ranks of the Union army, and march away to fight and die to save their country.

When the final summons came, his devoted wife, as she leaned over his couch, asked him if he wished to send any word to his sons, who were far away.

With his last expiring breath the great Senator replied: "Tell them to obey the laws and support the Constitution of the United States." These were his last words.



## APPENDIX





## APPENDIX

(NOTE—*The Speeches of Senator Douglas given in the following pages have been abbreviated for this volume*)

### SPEECH IN THE HOUSE OF REPRESENTATIVES IN VINDICATION OF ANDREW JACKSON

(Delivered January 7, 1844)

WHEN this bill was introduced by the learned gentleman from Pennsylvania [Mr. C. J. Ingersoll], I entertained the hope that it would be permitted to pass without discussion and without opposition. But the character of the amendment submitted by the gentleman from Georgia [Mr. Stephens], and the debate which has taken place upon it and the original bill, have been of such a nature as to justify and require the friends of the bill to go into a discussion of the whole subject. For one, I am not disposed to shrink from the investigation of any question connected with this subject, nor am I prepared to acquiesce silently in the correctness of the imputations cast upon the friends of this measure by gentlemen in the Opposition. They have been pleased to stigmatize this act of justice to the distinguished patriot and hero as a humbug — a party trick — a political movement, intended to operate upon the next Presidential election. These imputations are as unfounded as they are uncourteous, and I hurl them back, in the spirit which they deserve, upon any man who is capable of harboring, much less expressing, such a sentiment. It ill becomes gentlemen to profess to be the real friends of General Jackson and the exclusive guardians of his fame, and to characterize our effort as sinister and insincere, while in the same breath they charge him with violating the Constitution and laws, and trampling with ruthless violence upon the judiciary of the country. They seem to act upon the principle that the most successful mode of blackening the character of a great and good man is to profess to be his friends while making unfounded admissions against him, which, if true, would blast his reputation forever. If these are to be taken as the kind offering of friendship, well may the old hero pray God to deliver him from the hands of his friends, and leave him to take care of his enemies. I insist that this bill has been brought forward and supported in good faith as an act of justice — strict, rigid, impartial justice to the American people, as well as their bravest defender. The country has an interest in the character

of her public men — their unsullied fame gives brilliancy to her glory. The history of General Jackson is so inseparably connected with the history of this country that the slightest blot upon the one would fix an indelible stain upon the other. Hence the duty, the high and patriotic duty, of the representatives of the people to efface every unjust stigma from the spotless character of that truly great man, and transmit his name to posterity adorned with all the charms which the light of truth will impart to it. The charge of exerting arbitrary power and lawless violence over courts, and Legislatures, and civil institutions, in derogation of the Constitution and laws, and without the sanction of rightful authority, have been so often made and reiterated for political effect, that doubtless many candid men have been disposed to repose faith in their correctness, without taking the pains to examine carefully the grounds upon which they rest.

A question involving the right of the country to use the means necessary to its defence from foreign invasion in times of imminent and impending danger is too vitally important to be yielded without an inquiry into the nature and source of the fatal restriction which is to deprive a nation of the power of self-preservation. The proposition contended for by the Opposition is, that the general in command, to whose protection are committed the country, and the lives, property, and liberties of the citizens within his district, may not declare martial law when it is ascertained that its exercise, and it alone, can save all from total destruction. It is gravely contended that in such an awful conjuncture of circumstances, the general must abandon all to the mercy of the enemy, because he is not authorized to elevate the military above the civil authorities, and that, too, when it is certain that nothing but the power of the military law can save the civil laws and the Constitution of the country from complete annihilation. If these are not the positions assumed by gentlemen in so many words, they are unquestionably the conclusion to which their positions necessarily and inevitably conduct us; for no man pretends to venture the assertion that the city of New Orleans could, by any human agency or effort, have been saved in any other manner than the declaration and enforcement of martial law. For one, I maintain that, in the exercise of this power, General Jackson did not violate the Constitution, nor assume to himself any authority which was not fully authorized and legalized by his position, his duty, and the unavoidable necessity of the case. Sir, I admit that the declaration of martial law is the exercise of a summary, arbitrary, and despotic power, like that of a judge punishing for contempt, without evidence, or trial, or jury, and without any other law than his own will, or any limit to the punishment but his own discretion. The power in the two cases is analogous; it rests upon the same principle, and is derivable from the same source — extreme necessity. The gentleman from New York [Mr. Barnard], in his legal argument to establish the right of Judge Hall to fine General Jackson one thousand dollars for contempt of court, without the forms of trial, has informed us that this power is not conferred by the common law, nor by statute, nor by any express provision, but is inherent in every judicial tribunal and every legislative body. He has cited

the decision of the Supreme Court of the United States in support of this doctrine, and I do not deem it necessary, for the purposes of this argument, to question its soundness. The ground upon which it is held that this extraordinary power is original, and inherent in all courts and deliberative bodies, is, that it is necessary to enable them to perform the duties imposed upon them by the Constitution and laws. It is said that the divine and inalienable right of self-defence applies to courts and Legislatures, to communities, and States, and nations, as well as individuals. The power, it is said, is coextensive with the duty, and, by virtue of this principle, each of these bodies is authorized not only to use the means essential to the performance of the duty, but also to exercise the powers necessary to remove all obstructions to the discharge of that duty. Let us apply these principles to the proceedings at New Orleans, and see to what results they will bring us.

General Jackson was the legally and constitutionally authorized agent of the Government and the country to defend that city and its adjacent territory. His duty, as prescribed by the Constitution and laws, as well as the instructions of the War Department, was to defend the city and country at every hazard. It was then conceded, and is now conceded on all sides, that nothing but martial law would enable him to perform that duty. If, then, his power was commensurate with his duty, and (to follow the language of the courts) he was authorized to use the means essential to its performance, and to exercise the powers necessary to remove all obstructions necessary to its accomplishment — he had a right to declare martial law, when it was ascertained and acknowledged that nothing but martial law would enable him to defend the city and the country. This principle has been recognized and acted upon by all civilized nations, and is familiar to those who are conversant with military history. It does not imply the right to suspend the laws and civil tribunals at pleasure. The right grows out of the necessity; and when the necessity fails, the right ceases. It may be absolute or qualified, general or partial, according to the exigencies of the case. The principle is, that the general may go so far, and no farther, than is absolutely necessary to the defence of the city or district committed to his protection. To this extent General Jackson was justifiable; if he went beyond it, the law was against him. But, in point of fact, he did not supersede the laws, nor molest the proceedings of the civil tribunals, any farther than they were calculated to obstruct the execution of his plans for the defence of the city. In all other respects the laws prevailed, and were administered as in times of peace, until the Legislature of the State of Louisiana passed an act suspending them till the month of May, in consequence of the impending danger that threatened the city. There are exigencies in the history of nations as well as individuals when necessity becomes the paramount law to which all other considerations must yield. It is that great first law of nature, which authorizes a man to defend his life, his person, his wife and children, at all hazards, and by every means in his power. It is that law which authorizes this body to repel aggression and insult, and to protect itself in the exercise of its legis-

lative functions; it is that law which enables courts to defend themselves and punish for contempt. It was this same law which authorized General Jackson to defend New Orleans by resorting to the only means in his power which could accomplish the end. In such a crisis, necessity confers the authority and defines its limits. If it becomes necessary to blow up a fort, it is right to do it; if it is necessary to sink a vessel, it is right to sink it; and if it is necessary to burn a city, it is right to burn it. I will not fatigue the committee with a detailed account of the occurrences of that period, and the circumstances surrounding the general, which rendered the danger immediate and impending, the necessity unavoidable, the duty imperative, and temporizing ruinous. That task has been performed with such felicity and fidelity by the gentleman from Louisiana [Mr. Slidell] as to make a recital of the facts entirely unnecessary. The enemy — composed of disciplined troops, exceeding our force four-fold in numbers — were in the immediate vicinity of the city, ready for the attack at any moment. Our own little flotilla already destroyed; the city filled with traitors, anxious to surrender; spies transmitting information daily and nightly between these traitors and the enemy's camp; the population mostly emigrants from the different European countries, speaking various languages, unknown to the general in command, which prevented any accurate information of the extent of the disaffection; the dread of a servile insurrection, stimulated by the proclamation and the promises of the enemy, of which the firing of the first gun was to be the signal, — these were some of the reasons which produced the conviction in the minds of all who were faithful to the country and desirous to see it defended, that their only salvation depended upon the existence of martial law. The Governor, the judges, the public authorities generally, and all the citizens who espoused the American cause, came forward and earnestly entreated General Jackson, for their sakes, to declare martial law, as the only means of maintaining the supremacy of the American laws and institutions over British authority within the limits of our own territory. General Jackson, concurring with them in opinion, promptly issued the order, and enforced it by the weight of his authority. The city was saved. The country was defended by a succession of the most brilliant military achievements that ever adorned the annals of this or any other country, in this or any other age. Martial law was continued no longer than the danger (and, consequently, the necessity) existed. At the time when Louallier was imprisoned and Judge Hall was sent out of the city, official news of the signing of the treaty at Ghent had not been received; hostilities had not ceased; nor had the enemy retired. On the very day the writ of habeas corpus for Louallier was returnable, General Jackson received official instructions from the War Department to raise additional troops and prepare for a vigorous prosecution of the war. Hearing a rumor on the same day that a treaty of peace had been signed, he sent a proposition to the British general for a cessation of hostilities until official intelligence should be received, which proposition was rejected by the English commander. It cannot be said, therefore, that the war had closed, or the necessity for martial law had ceased. All





JOHN SLIDELL





the considerations which induced its declaration required its continuance. If it was right to declare it, it was right to enforce and continue it. At all events, Judge Hall and his eulogists are estopped from denying the power or the propriety of the declaration or the enforcement of martial law. He advised, urged, and solicited General Jackson to declare it, and subsequently expressed his approbation of the act. Yes, even that learned, that profound, that immaculate judge, D. A. Hall, himself advised and approved of the proceeding. Did he not understand the Constitution and laws which it was his duty to administer? or, understanding them, did he advise General Jackson to do an act in direct violation of that Constitution which he was sworn to support and protect? Conscientious judge! Advise a military officer, when in the discharge of a high and responsible duty, to violate the Constitution, and then arrest and punish him, without evidence or trial, for that very violation!

Rare specimen of judicial integrity! Perfidiously advise the general for the purpose of entrapping him into the commission of an unlawful act, that he might wreak his vengeance upon him according to the most approved forms of the Star Chamber! I would like to hear from his most ardent admirers on this floor upon that point; it is material to the formation of a correct judgment upon the merits of this question. One of two things is necessarily true in this matter: either he was guilty of the most infamous, damnable perfidy, or he believed that General Jackson was acting within the scope of his rightful authority for the defence of the country, its Constitution, and laws. In either event, his conduct was palpably and totally indefensible. Having advised the course which General Jackson pursued — even if he had changed his opinion as to the correctness of that advice, and the legality of the acts which had been committed in pursuance of it, and even if, under these circumstances, he had felt it his duty to vindicate the supremacy of the laws and the authority of his court by inflicting the penalty of the law — yet a mere nominal fine (one cent) would have accomplished that object as effectually as one thousand dollars. In this view, it was not a case requiring exemplary punishment. He did not doubt — he would not doubt — that the General had acted conscientiously under a high sense of duty; and if he had exceeded his authority, if he had committed an error, it was an error into which he had been led by the advice of that very judge, whose duty it was to know the law and advise correctly, and who afterward, with the shameless perversity of his nature, enforced a vindictive penalty. I boldly assert that the judgment was vindictive, because the amount of the fine, under the circumstances of the case, is conclusive upon that point. But if I should grant, for the sake of argument (that which I do not admit), that General Jackson exceeded his authority, and thereby violated the Constitution and laws, and that Judge Hall was clothed with the competent power to punish the offence, still I am prepared to show that, even in that event, the judgment was unjust, irregular, and illegal. The champions of Judge Hall on this floor have debated the question as if the mere declaration of martial law of itself was a contempt of court, without reference to the fact whether it actually in-

interrupted and obstructed the proceedings of the court. Was there ever a more fatal and egregious error? Every unlawful act is not necessarily a contempt of court. A man may be guilty of every offence upon the whole catalogue of crime, and thus obtain for himself an unenviable immortality, without committing a contempt of court. The doctrine of contempts only applies to those acts which obstruct the proceedings of the court, and against which the general laws of the land do not afford adequate protection. It is this same doctrine of necessity, conferring power, and at the same time restricting its exercise within the narrow limits of self-defence. The rights of the citizen, the liberties of the people of this country, are secured by that provision of the Constitution of the United States which declares that "the trial of all crimes, except in cases of impeachment, shall be by jury"; and also the amendment to the Constitution which requires "a presentment or indictment of a grand jury." General Jackson, as well as the humblest citizen and the vilest criminal, was entitled to the benefit of these constitutional provisions. If he had violated the Constitution, and suspended the laws, and committed crimes, Judge Hall had no right to punish him by the summary process of the doctrine of contempts, without indictment, or jury, or evidence, or the forms of trial. It is incumbent upon those who defend and applaud the conduct of the Judge to point out the specific act done by General Jackson which constituted a contempt of court. The mere declaration of martial law is not of that character. If it was improperly and unnecessarily declared, the General was liable to be tried by a court-martial, according to the rules and articles of war established by Congress for that purpose. It was a matter over which the civil tribunals had no jurisdiction, and with which they had no concern, unless some specific crime had been committed or injury done; and not even then until it was brought before them according to the forms of law. Some specifications have been made in the speeches of gentlemen against General Jackson, which I will notice in their proper order.

The first is the arrest and imprisonment of Louallier on the charge of instigating treason and mutiny in the General's camp. It is immaterial for the purposes of this discussion whether he was actually guilty or not. He stood charged with the commission of high crimes, the punishment of which was death. He was believed to be guilty, and consequently there was probable cause for his arrest and commitment for trial, according to the doctrine of the courts. If permitted to go at large, he might have matured and executed his plans of mutiny and treason by the aid of the British army, which was then hovering around the city. But, supposing this arrest to have been contrary to law, as gentlemen contend, yet it was no contempt of court. If it was an offence at all, it was a case of false imprisonment, which was indictable before a grand jury and triable by a petit jury. Why did they not proceed against General Jackson according to law, and give him a trial by a jury of his country, and obtain a verdict according to evidence? The answer is obvious: they could not procure a verdict of "Guilty" from an honest and patriotic jury who had fought in defence of the city under the operation of that "terrible martial law,"

and who had witnessed the necessity for its declaration, and its glorious effects in the salvation of the country.

The next specification which gentlemen make against General Jackson is, that he did not appear before Judge Hall in obedience to a writ of habeas corpus issued by the Judge for the liberation of Louallier, who was in confinement on a charge of mutiny and treason. A simple statement of the facts of this case will carry with it the General's justification. The evidence shows that the writ was issued on the fifth of the month, and made returnable on the sixth, before Judge Hall, at eleven o'clock in the morning, and that it was never served on General Jackson, or shown to him, until the evening afterward. Hence it was impossible for him to have complied with the injunctions of that writ if he had desired to do so. The writ had spent its force, had expired, was *functus officio* before it reached General Jackson. There was no command of the court remaining that could be obeyed, the time had elapsed. These facts were distinctly set forth by General Jackson, under oath, in his answer to the rule of court requiring him to show cause why he should not be punished for contempt; and they have never been denied. In fact, there is an abundance of corroborative evidence to the same effect. From these facts, it is clear, first, that General Jackson had committed no contempt of court; and, secondly, if he had, he fully purged himself of the alleged offence.

The next specification in the catalogue of crimes which gentlemen charge upon the hero of New Orleans is, that he forcibly seized and retained possession of the writ, and the affidavit on which it was issued. The facts are, that when the writ and affidavit were brought to him for service, after the time for its return had elapsed and it had become a nullity, he discovered that a material alteration had been made, in the handwriting of the Judge, not only in the writ, but also in the affidavit, without the consent of the man who had sworn to it. These alterations of themselves rendered the papers void, even if they had been originally valid, and had not expired of their own limitation; but, as they contained the evidence upon their face of the crime of forgery, it was important that General Jackson should retain possession of them, lest they should be destroyed and the evidence lost. With this view, the General did retain the originals and furnish certified copies to the Judge. These transactions did not occur in the presence of the Judge or his court, nor when his court was in session, and, of course, could not legally be punished by the summary process of contempt. If they were illegal, why not give the benefit of a fair trial by a jury of his country, as guaranteed by the Constitution and laws? No; this was arbitrarily and unjustly withheld from him, thereby denying him the privilege of proving his innocence.

The next, and the last, of these high crimes and misdemeanors imputed to Jackson at New Orleans is that of arresting Judge Hall and sending him beyond the limits of the city, with instructions not to return until peace was restored. The justification of this act is found in the necessity which required the declaration of martial law, and its continuance and enforcement until the enemy should have left our shores, or the treaty of peace



should have been ratified and published. The Judge had confederated with Louallier and the rest of that band of conspirators, who were attempting to defeat the efforts of the American General for the defence of the city. Their movements were dangerous, because they were protected by the power of civil law in the person of Judge Hall, by a perversion of the privileges of the writ of habeas corpus. The General was driven to an extremity, in which he was compelled either to abandon the city to whatever fate the conspirators might choose to consign it, or to resolutely maintain his authority by the exertion of his own power. He TOOK THE RESPONSIBILITY, and sent the Judge beyond the lines of his camp. The question arises, Was this act a contempt of court? The court was not in session, he did not interrupt its proceeding, he did not obstruct its progress, but he did imprison the man who had been exercising the powers of judge. If that imprisonment had been unlawful, the General was liable to be indicted for false imprisonment, and, like any other offender, to be tried and condemned according to the forms of law. But the Judge had no right to say Vengeance is mine, and I will visit it upon the head of my enemy until the measure of my revenge is full.

Now, sir, I have disposed of all the specifications of crime and oppression and tyranny which have been charged upon General Jackson by his enemies upon this floor, in connection with his defence of New Orleans. I have endeavored to state the facts truly, and fairly apply the principles of law to them. I will thank the most learned and astute lawyer upon this floor to point out which one of those acts was a contempt of court, in the legal sense of that term, so as to authorize a summary infliction of punishment without evidence, trial, or jury. No gentleman has yet specified the act and explained wherein the contempt consisted; and I presume no one will venture on so difficult a task. It is more prudent to deal in vague generalities and high-sounding declamation, first about the horrors of arbitrary power and lawless violence, then the supremacy of the laws and the glorious privileges of the writ of habeas corpus. These things sound very well, and are right in their proper place. I do not wish to extenuate the one or depreciate the other; but when I hear gentlemen attempting to justify this unrighteous fine upon General Jackson upon the ground of non-compliance with rules of court and mere formalities, I must confess that I cannot appreciate the force of the argument. In cases of war and desolation, in times of peril and disaster, we should look at the substance and not the shadow of things. I envy not the feelings of the man who can reason coolly and calmly about the force of precedents and the tendency of examples in the fury of the war-cry, when "booty and beauty" is the watchword. Talk not to me about rules and forms in court when the enemy's cannon are pointed at the door, and the flames encircle the cupola! The man whose stoicism would enable him to philosophize coolly under these circumstances would fiddle while the Capitol was burning, and laugh at the horror and anguish that surrounded him in the midst of the conflagration! I claim not the possession of these remarkable feelings. I concede them all to those who think that the savior of New Orleans ought

to be treated like a criminal for not possessing them in a higher degree. Their course in this debate has proved them worthy disciples of the doctrine they profess. Let them receive all the encomiums which such sentiments are calculated to inspire.

But, sir, for the purposes of General Jackson's justification, I care not whether his proceedings were legal or illegal, constitutional or unconstitutional, with or without precedent, if they were necessary for the salvation of that city. And I care as little whether he observed all the rules and forms of court, and technicalities of the law, which some gentlemen seem to consider the perfection of reason and the essence of wisdom. There was but one form necessary on that occasion, and that was to point cannon and destroy the enemy. The gentleman from New York [Mr. Barnard], to whose speech I have had occasion to refer so frequently, has informed us that this bill is unprecedented. I have no doubt this remark is technically true according to the most approved forms. I presume no case can be found on record, or traced by tradition, where a fine, imposed upon a general for saving his country, at the peril of his life and reputation, has ever been refunded. Such a case would furnish a choice page in the history of any country. I grant that it is unprecedented, and for that reason we desire on this day to make a precedent which shall command the admiration of the world, and be transmitted to future generations as an evidence that the people of this age and in this country were not unjust to their benefactor. This bill is unprecedented, because no court ever before imposed a fine under the same circumstances. In this respect Judge Hall himself stands unprecedented.

The gentleman from Louisiana [Mr. Dawson], who addressed the committee the other day, told us that General Wilkinson declared martial law at New Orleans and enforced it at the time of Burr's conspiracy. Where was Judge Hall then that he did not vindicate the supremacy of the laws and the authority of his court? Why did he not then inflict the penalty of the law upon the perpetrator of such a gross infraction of the Constitution which he was sworn to defend and support? Perhaps his admirers here will tell us that he did not advise, and urge, and entreat General Wilkinson to declare martial law. I believe that feature does distinguish the two cases, and gentlemen are entitled to all the merit they can derive from it. I am informed that in one of those trying cases during the last war, which required great energy and nerve and self-sacrificing patriotism, General Gaines had the firmness to declare martial law at Sackett's Harbor; and when, after the danger had passed, he submitted himself to the civil authorities, he received the penalty of the law in the shape of a public dinner instead of a vindictive punishment. I doubt not many other cases of a similar nature may be found, if any one will take the trouble of examining the history of our two wars with Great Britain. But if the gentleman from New York intended to assert that it was unprecedented for Congress to remunerate military and naval commanders for fines, judgments, and damages assessed against them by courts for violating the laws in the honest discharge of their public duties, I must be permitted to inform him



that he has not examined the legislation of his country in that respect. If the gentleman will read the speech of the pure, noble, and lamented Linn in the Senate, in May, 1842, he will find there a long list of cases in which laws of this kind have been passed.

He said, "There were precedents innumerable where officers have been found guilty of breaches of law in the discharge of their public duty, and therefore calling for the interference of a just Government. Of these it is only necessary to introduce a few where the Government did interpose and give relief to the injured officer. These cases commenced as early as August, 1790, and have continued down to the present time. Thus, in April, 1818, Major General Jacob Brown was indemnified for damages sustained under sentence of civil law for having confined an individual found near his camp, suspected of traitorous designs.

"At the same session Captain Austin and Lieutenant Wells were indemnified against nine judgments, amounting to upward of six thousand dollars, for having confined nine individuals suspected of treachery to the country. In this case it was justly remarked by the Secretary of War [John C. Calhoun], that 'if it should be determined that no law authorized' the act, 'yet I would respectfully suggest that there may be cases in the exigencies of the war in which, if the commander should transcend his legal power, Congress ought to protect him and those who acted under him from consequential damages.'

"In the case of General Robert Swartwout in 1823, the committee by whom it was reported stated that 'it is considered one of those extreme cases of necessity in which an overstepping of the established legal rules of society stands fully justified.'

I will not occupy the time of the committee with further quotations, but will refer those who may wish to examine the subject to the speech itself, and the cases there cited.

These cases fully sustain the position I have taken, and prove that the Government has repeatedly recognized and sanctioned the doctrine that in cases of "extreme necessity the commander is fully justified" in superseding the civil laws, and that Congress will always "make remuneration when they are satisfied he acted with the sole view of promoting the public interests confided to his command." The principle deducible from all the cases is, that when the necessity is extreme and unavoidable, the commander is fully justified, provided he acted in good faith; and, in either event, Congress will always make remuneration. Then, sir, I trust I have shown to the satisfaction of all candid men that, instead of this bill being unprecedented, the opposition — the fierce, bitter, vindictive opposition to its passage — is unprecedented in the annals of American legislation. Are gentlemen desirous of making General Jackson an exception to those principles of justice which have prevailed in all other cases? They mistake the character of the American people if they suppose they sever the cords which bind them to their great benefactor by continued acts of wanton injustice and base ingratitude.

Why this persevering resistance to the will of the people, which has been

expressed in a manner too imperative and authoritative to be successfully resisted? The people demand this measure, and they will never be quieted until their wishes shall have been respected and their will obeyed. They will ask, they will demand, the reason why General Jackson has been selected as the victim, and his case made an ignominious exception to the principles which have been adopted in all other cases, from the foundation of the Government until the present moment. Was there anything in his conduct at New Orleans to justify this wide departure from the uniform practice of the Government, and single him out as an outlaw who had forfeited all claim to the justice and protection of his country? Does the man live who will have the hardihood to question his patriotism, his honesty, the purity of his motives in every act he performed, and every power he exercised on that trying occasion? While none dare impeach his motives, they tell us he assumed almost unlimited power.

I commend him for it; the exigency required it. I admire that elevation of soul which rises above all personal considerations, and, regardless of consequences, stakes life, and honor, and glory upon the issue, when the salvation of the country depends upon the result. I also admire that calmness, moderation, and submission to rightful authority, which should always prevail in times of peace and security. The conduct of General Jackson furnished the most brilliant specimens of each the world ever witnessed. I know not which to applaud most, his acts of high responsibility and deeds of noble daring in the midst of peril and danger, or his mildness, and moderation, and lamb-like submission to the laws and civil authorities when peace was restored to his country.

Can gentlemen see nothing to admire, nothing to commend, in the closing scenes, when, fresh from the battle-field, the victorious General — the idol of his army and the acknowledged savior of his countrymen — stood before Judge Hall, and quelled the tumult and indignant murmurs of the multitude by telling him that “the same arm which had defended the city from the ravages of a foreign enemy should protect him in the discharge of his duty”? Is this the conduct of a lawless desperado, who delights in trampling upon Constitution, and law, and right? Is there no reverence for the supremacy of the laws and the civil institutions of the country displayed on this occasion? If such acts of heroism and moderation, of chivalry and submission, have no charms to excite the admiration or soften the animosities of gentlemen in the Opposition, I have no desire to see them vote for this bill. The character of the hero of New Orleans requires no endorsement from such a source. They wish to fix a mark, a stigma of reproach, upon his character, and send him to his grave branded as a criminal. His stern, inflexible adherence to Democratic principles, his unwavering devotion to his country, and his intrepid opposition to her enemies, have so long thwarted their unhallowed schemes of ambition and power, that they fear the potency of his name on earth, even after his spirit shall have ascended to heaven.

## SPEECH IN THE HOUSE OF REPRESENTATIVES ON THE ANNEXATION OF TEXAS AND THE MEXICAN WAR

(Delivered May, 1846)

MR. CHAIRMAN, if I could have anticipated the extraordinary turn which has been given to this discussion, I could have presented to the committee and the country a mass of evidence, from official documents, sufficient to show that, for years past, we have had ample cause of war against Mexico, independent of the recent bloody transactions upon the Rio del Norte. I could have presented a catalogue of aggressions and insults; of outrages on our national flag, on the persons and property of our citizens; of the violation of treaty stipulations, and the murder, robbery, and imprisonment of our countrymen, — the very recital of which would suffice to fill the national heart with indignation. Well do I recollect that General Jackson, during the last year of his administration, deemed the subject of sufficient importance at that time to send a special message to Congress, in which he declared: "The wanton character of some of the outrages upon the persons and property of our citizens, upon the officers and flag of the United States, independent of recent insults to this Government and people by the late extraordinary Mexican minister, would justify, in the eyes of nations, *immediate war*." . . . I have in a book before me an extract from the report of the Secretary of State [Mr. Forsyth] to the President, to which I will invite the attention of those who have not examined the subject:

"Since the last session of Congress an embargo has been laid on American vessels in the ports of Mexico. Although raised, no satisfaction has been made or offered for the resulting injuries. Our merchant vessels have been captured for disregarding a pretended blockade of Texas; vessels and cargoes, secretly proceeded against in Mexican tribunals, condemned and sold. The captains, crews, and passengers of the captured vessels have been imprisoned and plundered of their property; and, after enduring insults and injuries, have been released without remuneration or apology. For these acts no reparation has been promised or explanations given, although satisfaction was, in general terms, demanded in July last."

Aside from the insults to our flag, the indignity to the nation, and the injury to our commerce, it is estimated that not less than ten millions of dollars are due to our citizens for these and many other outrages which Mexico has committed within the last fifteen years. When pressed by our Government for adjustment and remuneration, she has resorted to all manner of expedients to procrastinate and delay. She has made treaties



GENERAL W. J. WORTH





acknowledging the justice of our claims, and then refused to ratify them on the most frivolous pretexts, and, even when ratified, has failed to comply with their stipulations. The Committee on Foreign Relations of the Senate of the United States in 1837 made a report upon the subject, in which they said, "If the Government of the United States were to exact strict and prompt redress from Mexico, your committee might with justice recommend an immediate resort to war or reprisal." The Committee on Foreign Affairs on the part of the House of Representatives, at the same session, say: "The merchant vessels of the United States have been fired into, her citizens attacked and even put to death, and her ships of war treated with disrespect when paying a friendly visit to a port where they had a right to expect hospitality"; and, in conclusion, the committee observe that "they fully concur with the President that ample cause exists for taking redress into their own hands, and believe we should be justified, in the opinion of other nations, for taking such a step." Such was the posture of our affairs with Mexico in 1837 and 1838, and the opinion of the several departments of our Government in regard to the character and enormity of the outrages complained of. These transactions all occurred years before the question of the annexation of Texas was favorably entertained by our Government. We had been the first to recognize the independence of Texas, as well as that of Mexico, before the national existence of either had been acknowledged by the parent country. In doing this we only exercised an undoubted right, according to the laws of nations, and our example was immediately followed by France, England, and all the principal powers of Europe. The question of the annexation of Texas to this country was not then seriously mooted. The proposition had been made by Texas, and promptly rejected by our Government. Of course, there could be nothing growing out of that question which could have given the slightest cause of offence to Mexico, or can be urged in palliation of the monstrous outrages which for a long series of years previous she had been committing upon the rights, interests, and honor of our country. But our causes of complaint do not stop here. In 1842, Mr. Thompson, our minister to that country, felt himself called upon to issue an address to the diplomatic corps at Mexico, in which, after reciting our grievances, he said:

"Not only have we never done an act of an unfriendly character toward Mexico, but I confidently assert that, from the very moment of the existence of the republic, we have allowed to pass unimproved no opportunity of doing Mexico an act of kindness. I will not now enumerate the acts of that character, both to the Government of Mexico and to the citizens, public and private. If this Government choose to forget them, I will not recall them. While such has been our course to Mexico, it is with pain I am forced to say that the open violation of the rights of American citizens by the authorities of Mexico have been greater for the last fifteen years than those of all the governments of Christendom united; and yet we have left the redress of all these multiplied and accumulated wrongs to friendly negotiation, without having ever intimated a disposition to resort to force."



It should be borne in mind that all these insults and injuries were committed before the annexation of Texas to the United States. . . . The first proposition for annexation had been promptly rejected — in my opinion very unwisely — from a false delicacy toward the feelings of Mexico. When the question was again agitated, she gave notice to this Government that she would regard the consummation of the measure as a declaration of war. She made the passage of the resolution of annexation by the Congress of the United States the pretext for dissolving the diplomatic relations between the two countries. She peremptorily recalled her minister from Washington, and virtually dismissed ours from Mexico, permitting him, as in the case of all his predecessors, to be robbed by her banditti, according to the usages of the country. This was followed by the withdrawal of the Mexican consuls from our seaports, and the suspension of all commercial intercourse. Our Government submitted to these accumulated insults and injuries with patience and forbearance, still hoping for an adjustment of all our difficulties without being compelled to resort to actual hostilities. Impelled by this spirit of moderation, our Government determined to waive all matters of etiquette, and make another effort to restore the amicable relations of the two countries by negotiation. An informal application was therefore made to the Government of Mexico to know whether, in the event we should send a minister to that country, clothed with ample powers, she would not receive him with a view to a satisfactory adjustment. Having received an affirmative answer, Mr. Slidell was immediately appointed and sent to Mexico. Upon his arrival he presented his credentials and requested to be formally received. The Government of Mexico at first hesitated, then procrastinated, and finally refused to receive him in his capacity of minister. Here, again, the forbearance of our Government is most signally displayed. Instead of resenting this renewed insult by the chastisement due to her perfidy, our Government again resolved to make another effort for peace. Accordingly, Mr. Slidell was instructed to remain at some suitable place in the vicinity of the city of Mexico until the result of the revolution then pending should be known; and, in the event of success, to make application to the new Government to be received as minister. Paredes being firmly established in power, with his administration formed, Mr. Slidell again applied, and was again rejected. In the mean time, while these events were occurring at the capital of Mexico, her armies were marching from all parts of the republic toward the boundary of the United States, and were concentrating in large numbers at and near Matamoros. Of course, our Government watched all these military movements with interest and vigilance. While we were anxious for peace, and were using all the means in our power, consistent with honor, to restore friendly relations, the administration was not idle in its preparations to meet any crisis that might arise, and, if necessary in self-defence, to repel force by force. With this view an efficient squadron had been sent to the Gulf of Mexico, and a portion of the army concentrated between the Nueces and the Rio del Norte, with positive instructions to commit no act of aggression, and to act strictly on the defensive,

unless Mexico unfortunately should commence hostilities and attempt to invade our territory. When General Taylor pitched his camp on the banks of the Rio del Norte, he sent General Worth across the river to explain to the Mexican general and the civil authorities of Matamoros the objects of his mission; that his was not a hostile expedition; that it was not his intention to invade Mexico or commit any act of aggression upon her rights; that he was instructed by his Government to act strictly on the defensive, and simply to protect American soil and American citizens from invasion and aggression; that the United States desired peace with Mexico; and, if hostilities ensued, Mexico would have to strike the first blow. When the two armies were thus posted on opposite sides of the river, Colonel Cross, while riding alone a few miles from the American camp, was captured, robbed, murdered, and quartered. About the same time the Mexican general sent a notice to General Taylor that, unless he removed his camp and retired to the east side of the Nueces, he should compel him to do so. Subsequently General Arista sent a message to General Taylor that hostilities already existed. On the next day a small portion of our army, while reconnoitring the country on the American side of the river, was surrounded, fired upon, and the greater portion of them captured or killed. It was then discovered that the Mexican army had crossed the river, surrounded the American camp, and interposed a large force between General Taylor's encampment and Point Isabel, the depot of his provisions and military stores.

Here we have the causes and origin of the existing war with Mexico. The facts which I have briefly recited are accessible to, if not within the knowledge of, every gentleman who feels an interest in examining them. Their authenticity does not depend upon the weight of my authority. They are to be found in full and in detail in the public documents on our tables and in our libraries. With a knowledge of the facts, or, at least, professing to know them, gentlemen have the hardihood to tell us that the President has unwisely and unnecessarily precipitated the country into an unjust and unholy war. They express great sympathy for Mexico; profess to regard her as an injured and persecuted nation — the victim of American injustice and aggression. They have no sympathy for the widows and orphans whose husbands and fathers have been robbed and murdered by the Mexican authorities; no sympathy with our own countrymen who have dragged out miserable lives within the walls of her dungeons, without crime and without trial; no indignation at the outrages upon our commerce and shipping, and the insults to our national flag; no resentment at the violation of treaties and the invasion of our territory.

I will now proceed to examine the arguments by which the gentleman from Ohio [Mr. Delano], and those with whom he acts, pretend to justify their foreign sympathies. They assume that the Rio del Norte was not the boundary line between Texas and Mexico; that the republic of Texas never extended beyond the Nueces, and, consequently, that our Government was under no obligation, and had no right, to protect the lives and property of American citizens beyond that river. In support of that

assumption, the gentleman has referred to a dispute which he says once arose between the provinces of Coahuila and Texas, and the decisions of Almonte, and some other Mexican general, thereon, prior to the Texan revolution, and while those provinces constituted one State in the Mexican confederation. He has also referred to Mrs. Holley's History of Texas, and, perhaps, some other works, in which we are informed that the same boundary was assigned to the Mexican province of Texas. I am not entirely unacquainted with the facts and authorities to which the gentleman has alluded, but I am at a loss to discover their bearing on the question at issue. True it is that in 1827 the provinces of Coahuila and Texas were erected into one State, having formed for themselves a republican Constitution, similar, in most of its provisions, to those of the several States of our Union. Their Constitution provided that the State of Coahuila and Texas "is free and independent of the other united Mexican States, and of every other foreign power and dominion"; that "in all matters relating to the Mexican confederation the State delegates its faculties and powers to the general Congress of the same; but in all that properly relates to the administration and entire government of the State, it retains its liberty, independence, and sovereignty"; that, "therefore, belongs exclusively to the same State the right to establish, by means of its representatives, its fundamental laws, conformable to the basis sanctioned in the constitutional act and the general Constitution." This new State, composed of a union of the two provinces, was admitted into the Mexican confederacy under the general Constitution established in 1824, upon the conditions which I have recited. The province of Coahuila lay on the west side of the Rio del Norte, and Texas upon the east. An uncertain, undefined boundary divided them; and, so long as they remained one State, there was no necessity for establishing the true line. It is immaterial, therefore, whether the Nueces or the Rio del Norte, or an imaginary line between the two, was the boundary between Coahuila and Texas, while these provinces constituted one State in the Mexican confederacy. I do not deem it necessary to go back to a period anterior to the Texan revolution to ascertain the limits and boundaries of the *republic* of Texas. But, if the gentleman has so great a reverence for antiquity as to reject all authorities which have not become obsolete and inapplicable in consequence of the changed relations of that country, I will gratify his taste in that respect. It must be borne in mind that Texas (before her revolution) was always understood to have been a portion of the old French province of Louisiana, whilst Coahuila was one of the Spanish provinces of Mexico. By ascertaining the western boundary of Louisiana, therefore, prior to its transfer by France to Spain, we discover the dividing line between Texas and Coahuila. I will not weary the patience of the House by an examination of the authorities, in detail, by which this point is elucidated and established. I will content myself by referring the gentleman to a document in which he will find them all collected and analyzed in a masterly manner, by one whose learning and accuracy he will not question. I allude to a despatch (perhaps I might with propriety call it a book, from its great length) written by our Secretary of State in 1819 to





'ZACHARY TAYLOR



Don Onís, the Spanish minister. The document is to be found in the State Papers in each of our libraries. He will there find a multitudinous collection of old maps and musty records, histories and geographies — Spanish, English, and French — by which it is clearly established that the Rio del Norte was the western boundary of Louisiana, and so considered by Spain and France both, when they owned the opposite banks of that river. The venerable gentleman from Massachusetts [Mr. Adams] in that famous despatch reviews all the authorities on either side with a clearness and ability which defy refutation, and demonstrate the validity of our title in virtue of the purchase of Louisiana. He went farther, and expressed his own convictions, upon a full examination of the whole question, that our title as far as the Rio del Norte was as clear as to the island of New Orleans. This was the opinion of Mr. Adams in 1819. It was the opinion of Messrs. Monroe and Pinckney in 1805. It was the opinion of Jefferson and Madison — of all our Presidents and of all administrations, from its acquisition in 1803 to its fatal relinquishment in 1819. I make no question with the gentleman as to the applicability and bearing of these facts upon the point in controversy. I give them in opposition to the supposed facts upon which he seems to rely. I give him the opinions of these eminent statesmen in response to those of Almonte and his brother Mexican general. Will the gentleman tell us and his constituents that those renowned statesmen, including his distinguished friend [Mr. Adams], as well as President Polk and the American Congress, were engaged in an unholy, unrighteous, and damnable cause when claiming title to the Rio del Norte? I leave the gentleman from Ohio and his venerable friend from Massachusetts to settle the disputed point of the old boundary of Texas between themselves, trusting that they may agree upon some basis of amicable adjustment and compromise. But, sir, I have already said that I do not deem it necessary to rely upon those ancient authorities for a full and complete justification of our Government in maintaining possession of the country on the left bank of the Rio del Norte. Our justification rests upon better and higher evidence, upon a firmer basis — an immutable principle. The republic of Texas held the country by a more glorious title than can be traced through the old maps and musty records of French and Spanish courts. She held it by the same title that our fathers of the Revolution acquired the territory and achieved the independence of this republic. She held it by virtue of a successful revolution, a declaration of independence setting forth the inalienable rights of man, triumphantly maintained by the irresistible power of her arms, and consecrated by the precious blood of her glorious heroes. These were her muniments of title. By these she acquired the empire which she has voluntarily annexed to our Union, and which we have plighted our faith to protect and defend against invasion and dismemberment. We received the republic of Texas into the Union with her entire territory as an independent and sovereign State, and have no right to alienate or surrender any portion of it. This proposition our opponents admit, so far as respects the country on this side of the Nueces, but they deny both the obligation and the right to go beyond that river.



Upon what authority they assume the Nueces to have been the boundary of the republic of Texas they have not condescended to inform us. I am unable to conceive upon what grounds a distinction can be drawn as to our right to the opposite sides of that stream. I know nothing in the history of that republic, from its birth to its translation, that would authorize the assumption. The same principles and evidence which, by common consent, give us title on this side of the Nueces, establish our right to the other. The revolution extended to either side of the river, and was alike successful on both. Upon this point I speak with confidence, for I have taken the precaution, within the last few minutes, to have the facts to which I shall refer authenticated by the testimony of the two most distinguished actors (one of whom I now recognize in my eye) of those thrilling and glorious scenes. Upon this high authority, I assume that the first revolutionary army in Texas, in 1835, embraced soldiers and officers who were residents of the country between the Nueces and the Rio del Norte. These same heroic men, or so many of them as had not been butchered by the Mexican soldiery, were active participators in the battle of San Jacinto on the twenty-first of April, 1836, when Santa Ana was captured and the Mexican army annihilated.

Although few in number, and sparsely scattered over a wide surface of country, and consequently exposed to the cruelties and barbarities of the enemy, none were more faithful to the cause of freedom, and constant in their devotion to the interests of the republic throughout its existence. Immediately after the battle of San Jacinto, Santa Ana made a proposition to the commander of the Texan army (General Houston) to make a treaty of peace, by which Mexico would recognize the independence of Texas, with the Rio del Norte as the boundary. In May, 1836, such a treaty was made between the Government of Texas and Santa Ana on the part of the Mexican nation, in which the independence of Texas was acknowledged, and the Rio del Norte recognized as the boundary. In pursuance of the provision of this treaty, the remnant of the Mexican army was permitted, under the orders of Santa Ana, to retire beyond the confines of the republic of Texas, and take a position on the other side of the Rio del Norte, which they did accordingly. . . . It is immaterial whether Mexico has or has not disavowed Santa Ana's treaty with Texas. It was executed at the time by competent authority. She availed herself of all its benefits. By virtue of it she saved the remnant of her army from total annihilation, and had her captive dictator restored to liberty. Under it she was permitted to remove, in peace and security, all her soldiers, citizens, and property, beyond the Rio del Norte. The question is, had she a moral and legal right to repudiate it after she had enjoyed all its advantages?

The gentleman from Massachusetts attempts to apply the legal maxims relative to civil contracts to this transaction. Because an individual who enters into a contract while in duress has a right to disavow it when restored to his liberty, he can see no reason why Santa Ana could not do the same thing. I shall not go into an argument to prove that the rights of a nation, in time of war, are not identical with those of a citizen, under



SAM HOUSTON



the municipal laws of his own country, in a state of peace. But if I should admit the justness of the supposed parallel, I apprehend the gentleman would not insist upon the right to rescind the contract without placing the parties *in statu quo*; for it must be borne in mind that Santa Ana was a prisoner according to the rules of war, and consequently in lawful custody. Is the gentleman prepared to show that the Mexican Government ever proposed to rescind the treaty, and place the parties in the same relative position they occupied on the day of its execution? Did they ever offer to send Santa Ana and his defeated army back to San Jacinto, to remain as General Houston's prisoners until the Texan Government should dispose of them according to its discretion, under the laws of nations? But I must return from this digression to the main point of my argument. I was proceeding with my proof, when these interruptions commenced, to show that the Rio del Norte was the boundary between Texas and Mexico, and has been so claimed on the one side and recognized on the other ever since the battle of San Jacinto. I have already referred to the fact that the country west of the Nueces had her soldiers in the Texan army during the campaigns of 1835 and 1836, and that the treaty of peace and independence between Santa Ana and the Texan Government recognized the Rio del Norte as the boundary. I have also referred to the fact that the Mexican army was removed from Texas, in pursuance of that treaty, to the west bank of that stream. I am informed by high authority that General Filisola received instructions from the authorities in Mexico, who were exercising the functions of government in Santa Ana's absence, to enter into any arrangement with the Texan Government which should be necessary to save the Mexican army from destruction, and secure its safe retreat from that country; and that, in pursuance of those instructions, he did ratify Santa Ana's treaty previous to marching the army beyond the Rio del Norte. My friend from Mississippi, before me [Mr. Davis], who has investigated the subject, assures me that such is the fact. My own recollection accords with his statement in this respect. These facts clearly show that Mexico, at that time, regarded the revolution as successful as far as the Rio del Norte, and consequently that the river must necessarily become the boundary whenever the independence of the new republic should be firmly established. Subsequent transactions prove that the two countries have ever since acted on the same supposition. Texas immediately proceeded to form a Constitution and establish a permanent Government. The country between the Nueces and the Rio del Norte was represented in the convention which formed her Constitution in 1836. James Powers, an actual resident of the territory now in dispute, was elected a delegate by the people residing there, and participated in the proceedings of the convention as one of its members. The first Congress which assembled under the Constitution proceeded to define the boundaries of the republic, to establish courts of jurisdiction, and the exercise of all the powers of sovereignty over the whole territory. One of the first acts of that Congress declares the Rio del Norte, from its mouth to its source, to be the boundary between Texas and Mexico, and the others

provide for the exercise of jurisdiction. Counties were established, reaching across the Nueces, and even to the Rio del Norte, as fast as the tide of emigration advanced in that direction. Corpus Christi, Point Isabel, and General Taylor's camp, opposite Matamoros, are all within the county of San Patricio, in the State of Texas, according to our recent maps. That same county, from the day of its formation, constituted a portion of one of the Congressional districts, and also of a Senatorial district in the republic of Texas; it now forms a portion, if not the whole, of a representative district, and also a Senatorial district, for the election of representatives and senators to the Texan Legislature, as well as a Congressional district for the election of a representative to the Congress of the United States. Colonel Kinney, who emigrated from my own State, has resided in that country, between the Nueces and the Rio del Norte, for many years; has represented it in the Congress of the republic of Texas, also in the convention which formed the Constitution of the State of Texas, and now represents it in the Texan Senate. I know not what stronger evidence could be desired that the country in question was, *in fact*, a portion of the republic of Texas, and, as a consequence, is now a portion of the United States. If an express acknowledgment by Mexico of the Rio del Norte as the boundary is deemed essential, and the recognition of that fact in Santa Ana's treaty, and subsequently by Filisola, is not considered sufficient, I will endeavor to furnish further and more recent evidence, which, I trust, will be satisfactory on that point. I have not the papers to which I shall refer before me at this moment, but they are of such general notoriety that they cannot fail to be within the recollection of the members of the House generally. It will be remembered that when we were discussing the propriety and expediency of the annexation of Texas some two years ago, much was said about an armistice entered into between Mexico and Texas for the suspension of hostilities for a limited period. Well, that armistice was agreed to by the two governments, and in the proclamation announcing the fact by the Mexican Government, the Mexican forces were required to retire from the territory of Texas to the *west side of the Rio del Norte*. This proclamation was issued, as near as I recollect, in 1843 or 1844, just before the treaty of annexation was signed by President Tyler, and at a period when Mexico had had sufficient time to recover from the dizziness of the shock at San Jacinto, and to ascertain to what extent the revolution had been successful, and where the true boundary was. She was not a prisoner of war, nor in duress, at the time she issued this proclamation. It was her own deliberate act (so far as deliberation ever attends her action), done of her own volition. In that proclamation she clearly recognizes the Rio del Norte as the boundary, and that, too, in view of a treaty of peace, by which the independence of Texas was to be again acknowledged.

*Mr. Adams.* I wish to ask the gentleman from Illinois if the last Congress did not pass an act regulating trade and commerce to the *foreign* province of Santa Fé?

*Mr. Douglas.* I believe the last Congress did pass an act upon that subject, and I will remind the gentleman that the *present* Congress has passed



an act extending the revenue laws of the United States over the country between the Rio del Norte and the Nueces, and providing for the appointment of custom-house officers to reside there. As near as I recollect, the gentleman from Massachusetts and myself voted for both of those acts. The only difference between us, in this respect, was, that he, being a little more zealous than myself, made a speech for the last one — for the act extending our laws over and taking legal possession of the very country where General Taylor's army is now encamped, and which he now asserts to belong to Mexico. That act passed this Congress unanimously at the present session, taking legal possession of the whole country in dispute, and of course making it the sworn duty of the President to see its provisions faithfully executed. In the name of truth and justice, I ask the gentleman from Massachusetts, and his followers in this crusade, how they can justify it to their consciences to denounce the President for sending the army to protect the lives of our citizens there and defend the country from invasion, after they had voted to take legal possession by the extension of our laws? They had asserted our right to the country by a solemn act of Congress; had erected it into a collection district, and the Constitution required the President to appoint the officers, and see the laws faithfully executed. He had done so; and for this simple discharge of a duty enjoined upon him by a law for which they voted, he is assailed, in the coarsest terms known to our language, as having committed an act which is unholy, unrighteous, and damnable! But I feel it due to the venerable gentleman from Massachusetts to respond more particularly to his inquiry in regard to the act of the last Congress regulating commerce and trade to Santa Fé. I do not now recollect its exact provisions, nor is it important, inasmuch as that act was passed before Texas was annexed to this Union. Of course Santa Fé was foreign to us at that time, whether it belonged to Texas or Mexico. The object of that act was to regulate the trade across our western frontier between us and foreign countries. Texas was then foreign to us, but is no longer so since her annexation and admission into the Union. Mr. Chairman, I believe I have now said all that I intended for the purpose of showing that the Rio del Norte was the western boundary of the republic of Texas. How far I have succeeded in establishing the position, I leave to the House and the country to determine. If that was the boundary of the republic of Texas, it has, of course, become the boundary of the United States by virtue of the acts of annexation and admission into the Union. I will not say that I have demonstrated the question as satisfactorily as the distinguished gentleman from Massachusetts did in 1819, but I will say that I think I am safe in adopting the sentiment which he then expressed — that our title to the Rio del Norte is as clear as to the island of New Orleans. . . .

*Mr. Adams.* I never said that our title was good to the Rio del Norte from its mouth to its source.

*Mr. Douglas.* I know nothing of the gentleman's mental reservations. If he means, by his denial, to place the whole emphasis on the qualification that he did not claim that river as the boundary "*from its mouth to its*



source," I shall not dispute with him on that point. But if he wishes to be understood as denying that he ever claimed the Rio del Norte, in general terms, as our boundary under the Louisiana treaty, I can furnish him with an official document, over his own signature, which he will find very embarrassing and exceedingly difficult to explain. I allude to his famous despatch as Secretary of State, in 1819, to Don Onis, the Spanish minister. I am not certain that I can prove his handwriting, for the copy I have in my possession I find printed in the American State Papers, published by order of Congress. In that paper he not only claimed the Rio del Norte as our boundary, but he demonstrated the validity of the claim by a train of facts and arguments which rivet conviction on every impartial mind, and defy refutation.

*Mr. Adams.* I wrote that despatch as Secretary of State, and endeavored to make out the best case I could for my own country, as it was my duty; but I utterly deny that I claimed the Rio del Norte as our boundary in its full extent. I only claimed it a short distance up the river, and then diverged northward some distance from the stream.

*Mr. Douglas.* Will the gentleman specify the point at which his line left the river?

*Mr. Adams.* I never designated the point.

*Mr. Douglas.* Was it above Matamoros?

*Mr. Adams.* I never specified any particular place. .

*Mr. Douglas.* I am well aware that the gentleman never specified any point of departure for his northward line, which, he now informs us, was to run a part of the way on the east side of that river; for he claimed the river as the boundary in general terms, without any qualification. But his present admission is sufficient for my purposes, if he will only specify the point from which he then understood or now understands that his line was to have diverged from the river. . . . I leave it to the candor of every honest man whether the executive did not do his duty, and nothing but his duty, when he ordered the army to the Rio del Norte. Should he have folded his arms, and allowed our citizens to be murdered and our territory invaded with impunity? Have we not forborne to act, either offensively or defensively, until our forbearance is construed into cowardice, and is exciting contempt from those toward whom we have exercised our magnanimity? We have a long list of grievances, a long catalogue of wrongs to be avenged. The war has commenced; blood has been shed; our territory invaded; all by the act of the enemy.

I had hoped and trusted that there would be no anti-war party after war was declared. In this I have been sadly disappointed. I have been particularly mortified to see one with whom I have acted on the Oregon question, who was ready to plunge the country into immediate war, if necessary, to maintain the rights and honor of the country in that direction, now arraying himself on the side of the enemy when our country is invaded by another portion of the Union. To me, our country and all its parts are one and indivisible. I would rally under her standard in the defence of one portion as soon as another — the South as soon as the



GENERAL SANTA ANA



North; for Texas as soon as Oregon. And I will here do my Southern friends the justice to say that I firmly believe, and never doubted that, if war had arisen out of the Oregon question, when once declared, they would have been found shoulder to shoulder with me as firmly as I shall be with them in this Mexican war.

*Mr. Adams.* I thought I understood the gentleman some time ago, while standing on 54° 40', to tell his Southern friends that he wanted no dodging on the Oregon question.

*Mr. Douglas.* I did stand on 54° 40'; I stand there now, and never intend, by any act of mine, to surrender the position. I am as ready and willing to fight for 54° 40' as for the Rio del Norte. My patriotism is not of that kind which would induce me to go to war to enlarge one section of the Union out of mere hatred and vengeance toward the other. I have no personal or political griefs resulting from the past to embitter my feelings and inflame my resentment toward any section of our country. I know no sections, no divisions. I did complain of a few of my Southern friends on the Oregon question; did tell them that I wished to see no dodging; endeavored to rally them on 54° 40' as our fighting line, regardless of consequences, war or no war. But, while they declined to assume this position in a time of peace, they unanimously avowed their determination to stand by the country the moment war was declared. But, since the gentleman from Massachusetts has dragged the Oregon question into this debate, I wish to call his attention to one of his wise sayings on that subject, and see if he is not willing to apply it to Texas as well as Oregon, to Mexico as well as Great Britain. He recalled to the mind of the House that passage of history in which the great Frederick took military possession of Silesia, and immediately proposed to settle the question of title and boundaries by negotiation. During the Oregon debate he avowed himself in favor of Frederick's plan for the settlement of that question, "Take possession first, and negotiate afterward." I desire to know why the gentleman is not willing to apply this principle to the country on the Rio del Norte as well as Oregon? According to his own showing, that is precisely what President Polk has done. He has taken possession, and proposed to negotiate. In this respect the President has adopted the advice of the gentleman from Massachusetts, and followed the example of the great Frederick. The only difference in the two cases is that the President was maintaining a legal possession, which Congress had previously taken by the extension of our laws. For this he is also abused. He is condemned alike for using the sword and the olive branch. His enemies object to his efforts for amicable adjustment as well as to the movements of the army. All is wrong in their eyes. Their country is always wrong, and its enemies right. It has ever been so. It was so in the last war with Great Britain. Then it was unbecoming a moral and religious people to rejoice at the success of American arms. We were wrong, in their estimation, in the French Indemnity case, in the Florida war, in all the Indian wars, and now in the Mexican war. I despair of ever seeing my country again in the right, if they are to be the oracles.

## ON THE OREGON BOUNDARY

(Extracts from two speeches)

It therefore becomes us to put this nation in a state of defence; and, when we are told that this will lead to war, all I have to say is this, violate no treaty stipulations, nor any principle of the law of nations; preserve the honor and integrity of the country, but, at the same time, assert our right to the last inch, and then, if war comes, let it come. We may regret the necessity which produced it, but when it does come, I would administer to our citizens Hannibal's oath of eternal enmity, and not terminate the war until the question was settled forever. I would blot out the lines on the map which now mark our national boundaries on this continent, and make the area of liberty as broad as the continent itself. I would not suffer petty rival republics to grow up here, engendering jealousy of each other, and interfering with each other's domestic affairs, and continually endangering their peace. I do not wish to go beyond the great ocean — beyond those boundaries which the God of nature has marked out, I would limit myself only by that boundary which is so clearly defined by nature.

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Our federal system is admirably adapted to the whole continent; and, while I would not violate the laws of nations, nor treaty stipulations, nor in any manner tarnish the national honor, I would exert all legal and honorable means to drive Great Britain and the last vestiges of royal authority from the continent of North America, and extend the limits of the republic from ocean to ocean. I would make this an ocean-bound republic, and have no more disputes about boundaries, or "red lines" upon the maps. \_



## SPEECH IN THE SENATE ON OUR POLICY WITH FOREIGN NATIONS — CLAYTON-BULWER TREATY

(Delivered February 14, 1853)

THIRTY years ago, Mr. Monroe, in his message to Congress, made a memorable declaration with respect to European colonization upon this continent. That declaration has ever since been a favorite subject of eulogism with orators, politicians, and statesmen. Recently it has assumed the dignified appellation of the "*Monroe doctrine*." It seems to be the part of patriotism for all to profess that doctrine, while our Government has scarcely ever failed to repudiate it practically whenever an opportunity for its observance has been presented. The Oregon treaty is a noted case in point. Prior to that convention there was no British colony on this continent west of the Rocky Mountains. The Hudson's Bay Company was confined by its charter to the shores of the bay, and to the streams flowing into it, and to the country drained by them. The western boundary of Canada was hundreds of miles distant; and there was no European colony to be found in all that region on the Pacific coast stretching from California to the Russian possessions. We had a treaty of non-occupancy with Great Britain, by the provisions of which neither party was to be permitted to colonize or assume dominion over any portion of that territory. We abrogated that treaty of non-occupancy, and then entered into a convention, by the terms of which the country in question was divided into two nearly equal parts, by the parallel of the forty-ninth degree of latitude, and all on the north confirmed to Great Britain, and that on the south to the United States. By that treaty Great Britain consented that we might establish Territories and States south of the forty-ninth parallel, and the United States consented that Great Britain might, to the north of that parallel, establish new European colonies, in open and flagrant violation of the Monroe doctrine. It is unnecessary for me to remind the country, and especially my own constituents, with what energy and emphasis I protested against that convention, upon the ground that it carried with it the undisguised repudiation of the Monroe declaration, and the consent of this republic that new British colonies might be established on that portion of the North American continent where none existed before.

Again: as late as 1850 a convention was entered into between the Government of the United States and Great Britain, called the Clayton and Bulwer treaty, every article and provision of which is predicated upon a practical negation and repudiation of what is known as the Monroe doctrine, as I shall conclusively establish before I close these remarks. Since



the ratification of that treaty and in defiance of its express stipulations, as well as of the Monroe declaration, Great Britain has planted a new colony in Central America, known as the colony of the Bay Islands. In view of this fact, and with the colony of the Bay Islands in his mind's eye, the venerable senator from Michigan lays upon the table of the Senate, and asks us to affirm by our votes, a resolution in which it is declared that "WHILE EXISTING RIGHTS SHOULD BE RESPECTED, AND WILL BE BY THE UNITED STATES," the American continents "ARE HENCEFORTH *not to be considered as subjects for FUTURE colonization by any European power,*" and "*that no FUTURE European colony or dominion shall, with their consent, be planted or established on any part of the North American continent.*"

Now, sir, before I vote for this resolution, I desire to understand, with clearness and precision, its purport and meaning. Existing rights are to be respected! What is to be the construction of this clause? Is it that all colonies established in America by European powers prior to the passage of this resolution are to be respected by the United States as "existing rights"? Is this resolution to be understood as a formal and official declaration, by the Congress of the United States, of our acquiescence in the seizure of the islands in the Bay of Honduras, and the erection of them into a new British colony? When, in connection with this clause respecting "existing rights," we take into consideration the one preceding it, in which it is declared that "HENCEFORTH" the American continents are not open to European colonization; and the clause immediately succeeding it, which says that "*no future European colony or dominion*" shall, with our consent, be planted on the North American continent, who can doubt that Great Britain will feel herself authorized to construe the resolution into a declaration on our part of unconditional acquiescence in her right to hold all the colonies and dependencies she at this time may possess in America? Is the Senate of the United States prepared to make such a declaration? Is this republic, in view of our professions for the last thirty years, and of our present and prospective position, prepared to submit to such a result? If we are, let us seal our lips, and talk no more about European colonization upon the American continents. What is to redeem our declarations upon this subject in the future from utter contempt, if we fail to vindicate the past, and meekly submit to the humiliation of the present? With an avowed policy, of thirty years' standing, that no future European colonization is to be permitted in America — affirmed when there was no opportunity for enforcing it, and abandoned whenever a case was presented for carrying it into practical effect — is it now proposed to beat another retreat under cover of terrible threats of awful consequences when the offence shall be repeated? "*Henceforth*" no "*future*" European colony is to be planted in America "*with our consent*"! It is gratifying to learn that the United States are never going to "consent" to the repudiation of the Monroe doctrine again. No more Clayton and Bulwer treaties; no more British "alliances" in Central America, New Granada, or Mexico; no more resolutions of oblivion to protect "existing rights"! Let England tremble, and Europe take warning, if the offence

is repeated. "Should the attempt be made," says the resolution, "it will leave the United States *free to adopt* such measures as an independent nation may justly adopt in defence of its rights and honor." Are not the United States now *free* to adopt such measures as an independent nation may *justly adopt* in defence of *its rights and honor*? Have we not given the notice? Is not thirty years sufficient notice? And has it not been repeated within the last eight years? And yet the deed is done in contempt of not only the Monroe doctrine, but of solemn treaty stipulations. Will you ever have a better opportunity to establish the doctrine — a clearer right to vindicate, or a more flagrant wrong to redress? If you do not do it now, your "henceforth" resolutions, in respect to "future" attempts, may as well be dispensed with. I have no resolutions to bring forward in relation to our foreign policy. Circumstances have deprived me of the opportunity or disposition to participate actively in the proceedings of the Senate this session. I know not what the present administration has done or is doing in reference to this question; and I am willing to leave the incoming administration free to assume its own position, and to take the initiation unembarrassed by the action of the Senate.

My principal object in addressing the Senate to-day is to avail myself of the opportunity, now for the first time presented by the removal of the injunction of secrecy, of explaining my reasons for opposing the ratification of the Clayton and Bulwer treaty. In order to clearly understand the question in all its bearings, it is necessary to advert to the circumstances under which it was presented. The Oregon boundary had been established, and important interests had grown up in that Territory; California had been acquired, and an immense commerce had sprung into existence; lines of steamers had been established from New York and New Orleans to Chagres, and from Panama to California and Oregon; American citizens had acquired the right of way, and were engaged in the construction of a railroad across the Isthmus of Panama, under the protection of treaty stipulations with New Granada; other American citizens had secured the right of way, and were preparing to construct a canal from the Atlantic to the Pacific, through Lake Nicaragua; and still other American citizens had procured the right of way, and were preparing to commence the construction of a railroad, under a grant from Mexico, across the Isthmus of Tehuantepec. Thus the right of transit on all the routes across the isthmus had passed into American hands, and were within the protection and control of the American Government.

In view of this state of things, Mr. Hise, who had been appointed *chargé d'affaires*, under the administration of Mr. Polk, to the Central American States, negotiated a treaty with the State of Nicaragua which secured to the United States forever the exclusive privilege of opening and using all canals, railroads, and other means of communication, from the Atlantic to the Pacific, through the territory of that republic. The rights, privileges, and immunities conceded by that treaty were all that any American could have desired. Its provisions are presumed to be within the knowledge of every senator, and ought to be familiar to the people of this country.

The grant was to the United States, or to such companies as should be organized under its authority, or received under its protection. The privileges were exclusive in their terms and perpetual in their tenure. They were to continue forever as inalienable American rights. In addition to the privilege of constructing and using all roads and canals through the territory of Nicaragua, Mr. Hise's treaty also secured to the United States the right to erect and garrison such fortifications as we should deem necessary at the termini of such communication on each ocean, and at intermediate points along the lines of the works, together with a grant of lands three miles square at the termini for the establishment of towns with free ports and free institutions. I do not deem it necessary to detain the Senate by reading the provisions of this treaty. It is published in the document I hold in my hand, and is open to every one who chooses to examine it. It was submitted to the Department of State in Washington on the fifteenth of September, 1849, but never sent to the Senate for ratification. In the meantime, the administration of General Taylor had superseded Mr. Hise by the appointment of another representative to the Central American States, and instructed him, in procuring a grant for a canal, to "CLAIM NO PECULIAR PRIVILEGE — NO EXCLUSIVE RIGHT — NO MONOPOLY OF COMMERCIAL INTERCOURSE."

After having thus instructed Mr. Squier as to the basis of the treaty which he was to conclude, Mr. Clayton seems to have been apprehensive that Mr. Hise might already have entered into a convention by which the United States had secured the exclusive and perpetual privilege, and in order to guard against such a contingency, he adds, at the conclusion of the same letter of instructions, the following:

"If a charter or grant of the right of way shall have been *incautiously or inconsiderately* made before your arrival in that country, *SEEK to have it properly* MODIFIED TO ANSWER THE ENDS WE HAVE IN VIEW."

In other words, if Mr. Hise shall have made a treaty by which he may have secured all the desired privileges to the United States exclusively, "seek to have it properly modified," so as to form a partnership with England and other monarchical powers of Europe, and thus lay the foundation for an alliance between the New and Old World, by which the right of European powers to intermeddle with the affairs of American States will be established and recognized. With these instructions in his pocket, Mr. Squier arrived in Nicaragua, and before he reached the seat of government, learned, by a "publication in the *Gazette of the Isthmus*," that Mr. Hise was already negotiating a treaty in respect to the contemplated canal. Without knowing the provisions of the treaty, but taking it for granted that it was in violation of the principles of General Taylor's administration, as set forth in his instructions, Mr. Squier immediately despatched a notice to the Government of Nicaragua, that "Mr. Hise was superseded on the second of April last, upon which date I [Mr. Squier] received my commission as his successor"; "that Mr. Hise was not empowered to enter upon any negotiations of the character referred to"; and concluding with the following request:

*"I have, therefore, to request that NO ACTION will be taken by the Government of Nicaragua upon the inchoate treaty which may have been negotiated at Guatemala, but that the SAME MAY BE ALLOWED TO PASS AS AN UNOFFICIAL ACT."*

On the same day, Mr. Squier, with commendable promptness, sends a letter to Mr. Clayton, informing our Government of what he had learned in respect to the probable conclusion of the Hise treaty, and expressing his apprehension that the information may be true, and adds:

*"If so, I shall be placed in a situation of some embarrassment, as I conceive that Mr. Hise has no authority for the step he has taken, and is certainly not informed of the PRESENT VIEWS AND DESIRES OF OUR GOVERNMENT."*

He also adds:

*"Under these circumstances, I have addressed a note [B] to the Government of this republic [Nicaragua], requesting that the treaty made at Guatemala (if any such exists) may be allowed to pass as an unofficial act, and that new negotiations may be entered upon at the seat of government."*

Having communicated this important intelligence to his own Government, Mr. Squier proceeded on his journey with a patriotic zeal equal to the importance of his mission, and on his arrival upon the theatre of his labors opened negotiations for a new treaty in accordance with the "present views and desires of our Government," as contained in his instructions. The new treaty was concluded on the third of September, 1849, and transmitted to the Government, with a letter explanatory of the negotiation, bearing date the tenth of the same month. Mr. Squier's treaty, so far as I can judge from the published correspondence — for the injunction of secrecy forbids a reference to more authentic sources of information — is in strict accordance with his instructions, and entirely free from any odious provisions which might secure "peculiar privileges or exclusive rights" to the United States.

These two treaties — the one negotiated by Mr. Hise and the other by Mr. Squier — were in the State Department in this city when Congress met in December, 1849. The administration of General Taylor was at liberty to choose between them, and submit the one or the other to the Senate for ratification. The Hise treaty was suppressed, without giving the Senate an opportunity of ratifying it or advising its rejection.

I was unwilling to enter into treaty stipulations with Great Britain or any other European power in respect to the American continent, by the terms of which we should pledge the faith of this republic not to do in all coming time that which in the progress of events our interests, duty, and even safety may compel us to do. I have already said, and now repeat, that every article, clause, and provision of that treaty is predicated upon a virtual negation and repudiation of the Monroe declaration in relation to European colonization on this continent. The article inviting any power on earth with which England and the United States are on terms of friendly intercourse to enter into similar stipulations, and which pledges the good



offices of each, when requested by the other, to aid in the new negotiations with the other Central American States, and which pledges the good offices of all the nations entering into the alliance to settle disputes between the states and governments of Central America, not only recognizes the right of European powers to interfere with the affairs of the American continent, but invites the exercise of such right, and makes it obligatory to do so in certain cases. It establishes, in terms, an alliance between the contracting parties, and invites all other nations to become parties to it. I was opposed also to the clause which stipulates that neither Great Britain nor the United States will ever occupy, colonize, or exercise dominion over any portion of Nicaragua, Costa Rica, the Mosquito Coast, or any part of Central America. I did not desire then, nor do I now, to annex any portion of that country to this Union. I do not know that the time will ever come in my day when I would be willing to do so. Yet I was unwilling to give the pledge that neither we nor our successors ever would. This is an age of rapid movements and great changes. How long is it since those who made this treaty would have told us that the time would never come when we would want California or any portion of the Pacific coast? California being a State of the Union, who is authorized to say that the time will not arrive when our interests and safety may require us to possess some portion of Central America, which lies half way between our Atlantic and Pacific possessions, and embraces the great water lines of commerce between the two oceans? I think it the wiser and safer policy to hold the control of our own action, and leave those who are to come after us untrammelled and free to do whatever they may deem their duty, when the time shall arrive. They will have a better right to determine for themselves when the necessity for action may arise, than we have now to prescribe the line of duty for them. I was equally opposed to that other clause in the same article, which stipulates that neither party will ever fortify any portion of Central America, or any place commanding the entrance to the canal, or in the vicinity thereof. It is not reciprocal, for the reason that it leaves the island of Jamaica, a British colony, strongly fortified, the nearest military and naval station to the line of the canal. It is, therefore, equivalent to a stipulation that the United States shall never have or maintain any fortification in the vicinity of, or commanding the line of navigation and commerce through said canal, while England may keep and maintain those she now has.

But there was another insuperable objection to the Clayton and Bulwer treaty which increases, enlarges, and extends the force of all the obnoxious provisions I have pointed out. I allude to the article in which it is provided that:

*"The Government of the United States and Great Britain, having not only desired to accomplish a particular object, BUT ALSO TO ESTABLISH A GENERAL PRINCIPLE, THEY HEREBY AGREE TO EXTEND THEIR PROTECTION, BY TREATY STIPULATIONS, TO ANY OTHER PRACTICABLE COMMUNICATIONS, whether by canal or railway, across the isthmus which connects North and*

*South America, and especially to the interoceanic communications, should the same prove to be practicable, whether by canal or railway, which are now proposed to be established by the way of TEHUANTEPEC OR PANAMA."*

The "particular object" which the parties had in view being thus accomplished — the Hise treaty defeated, the exclusive privilege to the United States surrendered and abandoned, and the European partnership established — yet they were not satisfied. They were not content to "accomplish a particular object," but desired to "establish a general principle"! That which, by the terms of the treaty, was particular and local to the five States of Central America, is, in this article, extended to Mexico on the north, and to New Granada on the south, and declared to be a general principle by which any and all other practicable routes of communication across the isthmus between North and South America are to be governed and protected by the allied powers. New and additional treaty stipulations are to be entered into for this purpose, and the network which had been prepared and spread over all Central America is to be extended far enough into Mexico and New Granada to cover all the lines of communication, whether by railway or canal, and especially to include Tehuantepec and Panama. When it is remembered that the treaty in terms establishes an alliance between the United States and Great Britain and engages to invite all other powers, with which either is on terms of friendly intercourse, to become parties to its provisions, it will be seen that this article seeks to make the principles of the Clayton and Bulwer treaty the law of nations in respect to American affairs. The general principle is established; the right of European powers to intervene in the affairs of American States is recognized; the propriety of the exercise of that right is acknowledged; and the extent to which the allied powers shall carry their protection, and the limits within which they shall confine their operations, are subject to treaty stipulations in the future.

When the American continent shall have passed under the protectorate of the allied powers, and her future made dependent upon treaty stipulations for carrying into effect the object of the alliance, Europe will no longer have cause for serious apprehensions at the rapid growth, expansion, and development of our federal Union. She will then console herself that limits have been set and barriers erected beyond which the territories of this republic can never extend, nor its principles prevail. In confirmation of this view, she will find additional cause for congratulation when she looks into the treaty of peace with Mexico, and there sees the sacred honor of this republic irrevocably pledged that we will never, in all coming time, annex any more Mexican territory in the mode in which Texas was acquired. The fifth article contains the following extraordinary provision:

"The boundary-line established by this article shall be religiously respected by each of the two republics, and no change shall ever be made therein except by the express and free consent of both nations, lawfully given by the general Government of each, in conformity with its own Constitution."

One would naturally suppose that, for all the ordinary purposes of a



treaty of peace, the first clause of the paragraph would have been entirely sufficient. It declares that "the boundary-line established by this article shall be religiously respected by each of the two republics." Why depart from the usual course of proceeding in such cases, and add, that "*no change shall ever be made therein, except by the express and free consent of both nations, lawfully given by the general Government of each, in conformity with its own Constitution.*" What is the meaning of this peculiar phraseology? The history of Texas furnishes the key by which the hidden meaning can be unlocked. The Sabine was once the boundary between the republics of the United States and Mexico. By the revolt of Texas and the establishment of her independence, and the acknowledgment thereof by the great powers of the world, and her annexation to the United States, the boundary between the two republics was changed from the Sabine to the Rio Grande *without* "the express and free consent of both nations, *lawfully* given by the *general Government* of each, in conformity with its own Constitution." Mexico regarded that change a just cause of war, and accordingly invaded Texas with a view to the recovery of the lost territory. A protracted war ensued, in which thousands of lives were lost, and millions of money expended, when peace is concluded upon the express condition that the treaty should contain an open and frank avowal that the United States has been wrong in the causes of the war, by the pledge of her honor never to repeat the act which led to hostilities.

Wherever you turn your eye, whether to your own record, to the statute-books, to the history of this country or of Mexico, or to the diplomatic history of the world, this humiliating and degrading acknowledgment stares you in the face, as a monument of your own creation, to the dishonor of our common country. Well do I remember the determined and protracted efforts of the minority to expunge this odious clause from the treaty before its ratification, and how, on the fourth of March, 1848, we were voted down by forty-two to eleven. The stain which that clause fastened upon the history of our country was not the only objection I urged to its retention in the treaty. It violated a great principle of public policy in relation to this continent. It pledges the faith of this republic that our successors shall not do that which duty to the interests and honor of the country, in the progress of events, may compel them to do. I do not meditate or look with favor upon any aggression upon Mexico. I do not desire, at this time, to annex any portion of her territory to this Union; nor am I prepared to say that the time will ever come, in my day, when I would be willing to sanction such a proposition. But who can say that, amid the general wreck and demoralization in Mexico, a state of things may not arise in which a just regard for our own rights and safety, and for the sake of humanity and civilization, may render it imperative for us to do that which was done in the case of Texas, and thereby change the boundary between the two republics, without the free consent of the general Government of Mexico, lawfully given in conformity with her Constitution? Recent events in Sonora, Chihuahua, and Tamaulipas do not establish the wisdom and propriety of that line of policy which ties

our hands in advance, and deprives the Government of the right, in the future, of doing whatever duty and honor may require, when the necessity for action may arrive.

Mr. President, one of the resolutions under consideration makes a declaration in relation to the island of Cuba, which requires a passing notice. It is in the following words:

"That, while the United States disclaim any designs upon the island of Cuba, inconsistent with the laws of nations and with their duties to Spain, they consider it due to the vast importance of the subject to make known, in this solemn manner, that they should view all efforts on the part of any other power to procure possession, whether peaceably or forcibly, of that island, which, as a naval or military position, must, under circumstances easy to be foreseen, become dangerous to their southern coast, to the Gulf of Mexico, and to the mouth of the Mississippi, as unfriendly acts, directed against them, to be resisted by all the means in their power."

I confess I have not formed a very high appreciation of the value of these disclaimers of all intention of committing crimes against our neighbors. I do not think I should deem my house any more secure in the night in consequence of the thief having pledged his honor not to steal my property. If I am surrounded by honest men, there is no necessity for the "friendly assurance"; and if by rogues, it would not relieve my apprehensions or afford much security to my rights. I am unwilling, therefore, to make any disclaimer as to our purposes upon Cuba, or to give any pledge in respect to existing rights upon this continent. The nations of Europe have no right to call upon us for a disclaimer of the one, or for a pledge to protect the other.

#### CUBA

Now, sir, a few words with regard to the island of Cuba. If any man desires my opinions upon that question, he can learn them very easily. They have been proclaimed frequently for the last nine years, and still remain unchanged. I have often said, and now repeat, that, so long as the island of Cuba is content to remain loyal to the crown of Spain, be it so. I have no desire, no wish, to disturb that relation. I have always said, and now repeat, that, whenever the people of the island of Cuba shall show themselves worthy of freedom by asserting and maintaining their independence and establishing republican institutions, my heart, my sympathies, my prayers, are with them for the accomplishment of the object. I have often said, and now repeat, that, when that independence shall have been established, if it shall be necessary to their interest or safety to apply as Texas did for annexation, I shall be ready to do by them as we did by Texas, and receive them into the Union. I have said, and now repeat, that, whenever Spain shall come to the conclusion that she cannot much longer maintain her dominion over the island, and that it is better for her to

transfer it to us upon fair and reasonable terms, I am one of those who would be ready to accept the transfer. I have said, and now repeat, that, whenever Spain shall refuse to make such transfer to us, and shall make it to England or any other European power, I would be among those who would be in favor of taking possession of the island, and resisting such transfer at all hazards.

Thus far I have often gone; thus far I now go. These are my individual opinions; not of much consequence, I admit, but any one who desires to know them is welcome to them. But it is one thing for me to entertain these individual sentiments, and it is another and very different thing to pledge forever and unalterably the policy of this Government in a particular channel, in defiance of any change in the circumstances that may hereafter take place. I do not deem it necessary to affirm by a resolution, in the name of the republic, every opinion that I may entertain and be willing to act upon as the representative of a local constituency. I am not, therefore, prepared to say that it is wise policy to make any declaration upon the subject of the island of Cuba. Circumstances not within our control, and originating in causes beyond our reach, may precipitate a state of things that would change our action and reverse our whole line of policy. Cuba, in the existing position of affairs, does not present a practical issue. All that we may say or do is merely speculative, and dependent upon contingencies that may never happen.

## SPEECH IN THE SENATE ON TERRITORIAL EXPANSION AND FOREIGN AGGRESSION

(Delivered March 10, 1853)

I HAVE a word or two to say in reply to the remarks of the senator from Delaware upon so much of my speech as related to the pledge in the Clayton and Bulwer treaty never to annex any portion of that country. I objected to that clause in the treaty upon the ground that I was unwilling to enter into a treaty stipulation with any European power in respect to this continent, that we would not do, in the future, whatever our duty, interest, honor, and safety might require in the course of events. The senator infers that I desire to annex Central America because I was unwilling to give a pledge that we never would do it. He reminded me that there was a clause in the treaty with Mexico containing the stipulation that, in certain contingencies, we would never annex any portion of that country. Sir, it was unnecessary that he should remind me of that provision. He has not forgotten how hard I struggled to get that clause out of the treaty, where it was retained in opposition to my vote. Had the senator given me his aid then to defeat that provision in the Mexican treaty, I would be better satisfied now with his excuse for having inserted a still stronger pledge in his treaty. But, having advocated that pledge then, he should not attempt to avoid the responsibility of his own act by citing it as a precedent. I was unwilling to bind ourselves by treaty for all time to come never to annex any more territory. I am content for the present with the territory we have. I do not wish to annex any portion of Mexico now. I did not wish to annex any part of Central America then, nor do I at this time.

But I cannot close my eyes to the history of this country for the last half century. Fifty years ago the question was being debated in this Senate whether it was wise or not to acquire any territory on the west bank of the Mississippi, and it was then contended that we could never with safety extend beyond that river. It was at that time seriously considered whether the Alleghany Mountains should not be the barrier beyond which we should never pass. At a subsequent date, after we had acquired Louisiana and Florida, more liberal views began to prevail, and it was thought that perhaps we might venture to establish one tier of States west of the Mississippi; but, in order to prevent the sad calamity of an undue expansion of our territory, the policy was adopted of establishing an Indian Territory, with titles in perpetuity, all along the western borders of those States, so that no more new States could possibly be created in



that direction. That barrier could not arrest the onward progress of our people. They burst through it, and passed the Rocky Mountains, and were only arrested by the waters of the Pacific. Who, then, is prepared to say that in the progress of events, having met with the barrier of the ocean in our western course, we may not be compelled to turn to the north and to the south for an outlet? . . .

You may make as many treaties as you please to fetter the limbs of this giant republic, and she will burst them all from her, and her course will be onward to a limit which I will not venture to prescribe. Why the necessity of pledging your faith that you will never annex any more of Mexico? Do you not know that you will be compelled to do it; that you cannot help it; that your treaty will not prevent it, and that the only effect it will have will be to enable European powers to accuse us of bad faith when the act is done, and associate American faith and Punic faith as synonymous terms? What is the use of your guarantee that you will never erect any fortifications in Central America; never annex, occupy, or colonize any portion of that country? How do you know that you can avoid doing it? If you make the canal, I ask you if American citizens will not settle along its line; whether they will not build up towns at each terminus; whether they will not spread over that country, and convert it into an American State; whether American principles and American institutions will not be firmly planted there? And I ask you how many years you think will pass away before you will find the same necessity to extend your laws over your own kindred that you found in the case of Texas? How long will it be before that day arrives? It may not occur in the senator's day, nor mine. But, so certain as this republic exists, so certain as we remain a united people, so certain as the laws of progress which have raised us from a mere handful to a mighty nation shall continue to govern our action, just so certain are these events to be worked out, and you will be compelled to extend your protection in that direction.

Sir, I am not desirous of hastening the day. I am not impatient of the time when it shall be realized. I do not wish to give any additional impulse to our progress. We are going fast enough. But I wish our policy, our laws, our institutions, should keep up with the advance in science, in the mechanic arts, in agriculture, and in every thing that tends to make us a great and powerful nation. Let us look the future in the face, and let us prepare to meet that which cannot be avoided. Hence I was unwilling to adopt that clause in the treaty guaranteeing that neither party would ever annex, colonize, or occupy any portion of Central America. I was opposed to it for another reason. It was not reciprocal. Great Britain had possession of the island of Jamaica. Jamaica was the nearest armed and fortified point to the terminus of the canal. Jamaica at present commands the entrance of the canal; and all that Great Britain desired was, inasmuch as she had possession of the only place commanding the canal, to procure a stipulation that no other power would ever erect a fortification nearer its terminus. That stipulation is equivalent to an agreement

that England may fortify, but that we never shall. Sir, when you look at the whole history of that question, you will see that England, with her far-seeing, sagacious policy, has attempted to circumscribe, and restrict, and restrain the free action of this Government. When was it that Great Britain seized the possession of the terminus of this canal? Just six days after the signing of the treaty which secured to us California! The moment England saw that, by the pending negotiations with Mexico, California was to be acquired, she collected her fleets and made preparations for the seizure of the port of San Juan, in order that she might be gate-keeper on the public highway to our new possessions on the Pacific. Within six days from the time we signed the treaty, England seized by force and violence the very point now in controversy. Is not this fact indicative of her motives? Is it not clear that her object was to obstruct our passage to our new possessions? Hence I do not sympathize with that feeling which the senator expressed yesterday, that it was a pity to have a difference with a nation so FRIENDLY TO US AS ENGLAND. Sir, I do not see the evidence of her friendship. It is not in the nature of things that she can be our friend. It is impossible she can love us. I do not blame her for not loving us. Sir, we have wounded her vanity and humbled her pride. She can never forgive us. But for us, she would be the first power on the face of the earth. But for us, she would have the prospect of maintaining that proud position which she held for so long a period. We are in her way. She is jealous of us, and jealousy forbids the idea of friendship. England does not love us; she cannot love us; and we do not love her either. We have some things in the past to remember that are not agreeable. She has more in the present to humiliate her that she cannot forgive.

I do not wish to administer to the feeling of jealousy and rivalry that exists between us and England. I wish to soften and allay it as much as possible; but why close our eyes to the fact that friendship is impossible while jealousy exists? Hence England seizes every island in the sea and rock upon our coast where she can plant a gun to intimidate us or to annoy our commerce. Her policy has been to seize every military and naval station the world over. Why does she pay such enormous sums to keep her post at Gibraltar, except to hold it *in terrorem* over the commerce of the Mediterranean? Why her enormous expense to maintain a garrison at the Cape of Good Hope, except to command the great passage on the way to the Indies? Why is she at the expense to keep her position on the little barren islands Bermuda and the miserable Bahamas, and all the other islands along our coast, except as sentinels upon our actions? Does England hold Bermuda because of any profit it is to her? Has she any other motive for retaining it except jealousy which stimulates hostility to us? Is it not the case with all her possessions along our coast? Why, then, talk about the friendly bearing of England toward us when she is extending that policy every day? New treaties of friendship, seizure of islands, and erection of new colonies in violation of her treaties seem to be the order of the day. In view of this state of things, I am in favor of meeting England as we meet a rival; meet her boldly, treat her justly and fairly,



but make no humiliating concession even for the sake of peace. She has as much reason to make concessions to us as we have to make them to her. I would not willingly disturb the peace of the world, but, sir, the Bay Island colony must be discontinued. *It violates the treaty.*

[At a subsequent part of the debate he quoted the letter of Mr. Everett (Secretary of State under Mr. Fillmore), declining, on the part of the United States Government, the agreement proposed by England and France, that neither nation should ever annex or take possession of Cuba. Mr. Everett, in declining that proposition, said :

“But, whatever may be thought of these last suggestions, it would seem impossible for anyone who reflects upon the events glanced at in this note to mistake the law of American growth and progress, or think it can be ultimately arrested by a convention like that proposed. In the judgment of the President, it would be as easy to throw a dam from Cape Florida to Cuba, in the hope of stopping the flow of the Gulf Stream, as to attempt, by a compact like this, to fix the fortunes of Cuba, now and for hereafter, or, as is expressed in the French text of the convention, ‘*pour le present comme pour l’avenir*’ — that is, for all coming time.”

Mr. Douglas, in commenting upon this, said:]

There the senator is told that such a stipulation (to annex no more territory) might be applicable to European politics, but would be unsuited and unfitted to American affairs; that he has mistaken entirely the system of policy which should be applied to our own country; that he has predicated his action upon those old antiquated notions which belong to the stationary and retrograde movements of the Old World, and find no sympathy in the youthful, uprising aspirations of the American heart. I endorse fully the sentiment. I insist that there is a difference, a wide difference, between the system of policy which should be pursued in America and that which would be applicable to Europe. Europe is antiquated, decrepit, tottering on the verge of dissolution. When you visit her, the objects which enlist your highest admiration are the relics of past greatness; the broken columns erected to departed power. It is one vast graveyard, where you find here a tomb indicating the burial of the arts; there a monument marking the spot where liberty expired; another to the memory of a great man whose place has never been filled. The choicest products of her classic soil consist in relics, which remain as sad memorials of departed glory and fallen greatness! They bring up the memories of the dead, but inspire no hope for the living! Here every thing is fresh, blooming, expanding, and advancing. We wish a wise, practical policy adapted to our condition and position. Sir, the statesman who would shape the policy of America by European models, has failed to perceive the antagonism which exists in the relative position, history, institutions — in every thing pertaining to the Old and the New World.

#### THE FRIENDSHIP OF ENGLAND

I cannot go as far as the senator from South Carolina. I cannot recognize England as our mother. If so, she is and ever has been a cruel and

unnatural mother. I do not find the evidence of her affection in her watchfulness over our infancy, nor in her joy and pride at our ever-blooming prosperity and swelling power since we assumed an independent position.

The proposition is not historically true. Our ancestry were not all of English origin. They were of Scotch, Irish, German, French, and of Norman descent as well as English. In short, we inherit from every branch of the Caucasian race. It has been our aim and policy to profit by their example — to reject their errors and follies — and to retain, imitate, cultivate, perpetuate, all that was valuable and desirable. So far as any portion of the credit may be due to England and Englishmen — and much of it is — let it be freely awarded and recorded in her ancient archives, which seem to have been long since forgotten by her, and the memory of which her present policy toward us is not well calculated to revive. But, that the senator from South Carolina, in view of our present position and of his location in this confederacy, should indulge in glowing and eloquent eulogiums of England for the blessings and benefits she has conferred and is still lavishing upon us, and urge these considerations in palliation of the wrongs she is daily perpetrating, is to me amazing. He speaks in terms of delight and gratitude of the copious and refreshing streams which English literature and science are pouring into our country and diffusing throughout the land. Is he not aware that nearly every English book circulated and read in this country contains lurking and insidious slanders and libels upon the character of our people and the institutions and policy of our Government? Does he not know that abolitionism, which has so seriously threatened the peace and safety of this republic, had its origin in England, and has been incorporated into the policy of that Government for the purpose of operating upon the peculiar institutions of some of the States of this confederacy, and thus render the Union itself insecure? Does she not keep her missionaries perambulating this country, delivering lectures, and scattering broadcast incendiary publications, designed to incite prejudices, hate, and strife between the different sections of this Union? I had supposed that South Carolina and the other slaveholding States of this confederacy had been sufficiently refreshed and enlightened by a certain species of English literature, designed to stir up treason and insurrection around his own fireside, to have excused the senator from offering up praises and hosannas to our English mother! Is not the heart, intellect, and press of England this moment employed in flooding America with this species of English literature? Even the wives and daughters of the nobility and the high officers of government have had the presumption to address the women of America, and in the name of philanthropy appeal to them to engage in the treasonable plot against the institutions and government of their own choice in their native land, while millions are being expended to distribute "Uncle Tom's Cabin" throughout the world, with the view of combining the fanaticism, ignorance, and hatred of all the nations of the earth in a common crusade against the peculiar institutions of the State and section of this Union represented by the senator

from South Carolina; and he unwittingly encourages it by giving vent to his rapturous joy over these copious and refreshing streams with which England is irrigating the American intellect.

#### REPELLING FOREIGN AGGRESSIONS

I agree, Mr. President, with most that has been said by my friend from Georgia [Mr. Toombs], and especially that we ought to determine what we are to do in reference to the outrages upon our flag in the Gulf of Mexico and the West Indies, before we decide the amount of money we shall vote for war purposes. If we are going to content ourselves with simple resolutions that we will not submit to that which we have resolved for half a century should never be repeated, I see no use in additional appropriations for navy or for army. If we are going to be contented with loud-sounding speeches, with defiances to the British lion, with resolutions of the Senate alone, not concurred in by the other House, conferring no power on the executive, — merely capital for the country, giving no power to the executive to avenge insults or prevent their repetition, — what is the use of voting money? I find that patriotic gentlemen are ready to talk loud, resolve strong; but are they willing to appropriate the money? Are they willing to confer on the executive power to repel these insults, and to avenge them whenever they may be perpetrated? Let us know whether we are to submit and protest, or whether we are to authorize the President to resist and to prevent the repetition of these offences. If senators are prepared to vote for a law reviving the act of 1839, putting the army, the navy, volunteers, and money at the disposal of the President to prevent the repetition of these acts, and to punish them if repeated, then I am ready to give the ships and the money; but I desire to know whether we are to submit to these insults with a simple protest, or whether we are to repel them.

Gentlemen ask us to vote ships and money, and they talk to us about the necessity of a ship in China, and about outrages in Tampico, and disturbances in South America, and Indian difficulties in Puget's Sound. Every enemy that can be found on the face of the earth is defied except the one that defies us. Bring in a proposition here to invest the President with power to repel British aggressions on American ships, and what is the response? High-sounding resolutions, declaring in effect, if not in terms, that whereas Great Britain has perpetrated outrages on our flag and our shipping which are intolerable and insufferable, and must not be repeated, therefore, if she does so again, we will whip Mexico, or we will pounce down upon Nicaragua, or we will get up a fight with Costa Rica, or we will chastise New Granada, or we will punish the Chinese, or we will repel the Indians from Puget's Sound, but not a word about Great Britain. What I desire to know is whether we are to meet this issue with Great Britain? I am told we shall do it when we are prepared. Sir, when will you be prepared to repel an insult unless when it is given?

Sir, I tremble for the fame of America, for her honor, and for her



HENRY CLAY  
*Statesman and Abolitionist*





character, when we shall be silent in regard to British outrages, and avenge ourselves by punishing the weaker powers instead of grappling with the stronger. I never did fancy that policy nor admire that chivalry which induced a man, when insulted by a strong man of his own size, to say that he would whip the first boy he found in the street in order to vindicate his honor, or, as is suggested by a gentleman behind me, that he would go home and whip his wife in order to show his courage, inasmuch as he was afraid to tackle the full-grown man who had committed the aggression. Sir, these outrages cannot be concealed; they cannot have the go-by; we must meet them face to face. Now is the time when England must give up her claim to search American vessels, or we must be silent in our protests, and resolutions, and valorous speeches against that claim. It will not do to raise a navy for the Chinese seas, nor for Puget's Sound, nor for Mexico, nor for the South American republics. It may be used for those purposes, but England must first be dealt with. Sir, we shall be looked upon as showing the white feather if we strike a blow at any feeble power until these English aggressions and insults are first punished, and security is obtained that they are not to be repeated.

Besides, sir, as has been intimated by the senator from Massachusetts, England has given pledges for her good behavior on this continent. She is bound over to keep the peace. She has large possessions upon this continent of which she could be deprived in ninety days after war existed; and she knows that, the moment she engages in war with us, that moment her power upon the American continent and upon the adjacent islands ceases to exist. While I am opposed to war — while I have no idea of any breach of the peace with England, yet I confess to you, sir, if war should come by her act and not ours — by her invasion of our right and our vindication of the same, I would administer to every citizen and every child Hannibal's oath of eternal hostility as long as the English flag waved or their Government claimed a foot of land upon the American continent or the adjacent islands. Sir, I would make it a war that would settle our disputes forever, not only of the right of search upon the seas, but the right to tread with a hostile foot upon the soil of the American continent or its appendages. England sees that these consequences would result. Her statesmen understand these results as well as we, and much better. Her statesmen have more respect for us in this particular than we have for ourselves. They will never push this question to the point of war. They will look you in the eye, march to you steadily, as long as they find it is prudent. If you cast the eye down she will rush upon you. If you look her in the eye steadily, she will shake hands with you as friends, and have respect for you. . . . We do not wish to bully England. She is resisting no claim of ours. She sets up the claim to search our vessels, stop them on the high seas, invade our rights, and we say to her that we will not submit to that aggression. I would ask to have the United States act upon the defensive in all things — make no threat, indulge in no bullying, but simply assert our right; then maintain the assertion with whatever



power may be necessary, and the God of our fathers may have imparted to us for maintaining it; that is all. I believe that is the true course to peace. I repeat that, if war with England comes, it will result from our vacillation, our division, our hesitation, our apprehensions lest we might be whipped in the fight. Perhaps we might. I do not believe it. I believe the moment England declares war against the United States, the prestige of her power is gone. It will unite our own people; it will give us the sympathy of the world; it will destroy her commerce and her manufactures, while it will extend our own. It will sink her to a second-rate power upon the face of the globe, and leave us without a rival who can dispute our supremacy. We shall, however, come to that point early through the paths of peace. Such is the tendency of things now. I would rather approach it by peaceable, quiet means, by the arts and sciences, by agriculture, by commerce, by immigration, by natural growth and expansion, than by warfare. But if England is impatient of our rising power, if she desires to hasten it, and should force war upon us, she will seal her doom now; whereas Providence might extend to her, if not a pardon, at least a reprieve for a few short years to come.

## SPEECH IN THE SENATE ON THE KANSAS- NEBRASKA BILL

(Delivered March 3, 1854)

It has been urged in debate that there is no necessity for these Territorial organizations; and I have been called upon to point out any public and national considerations which require action at this time. Senators seem to forget that our immense and valuable possessions on the Pacific are separated from the States and organized Territories, on this side of the Rocky Mountains, by a vast wilderness, filled by hostile savages; that nearly a hundred thousand emigrants pass through this barbarous wilderness every year, on their way to California and Oregon; that these emigrants are American citizens, our own constituents, who are entitled to the protection of law and government; and that they are left to make their way, as best they may, without the protection or aid of law or government.

The United States mails for New Mexico and Utah, and all official communications between this Government and the authorities of those Territories, are required to be carried over these wild plains, and through the gorges of the mountains, where you have made no provision for roads, bridges, or ferries, to facilitate travel or forts or other means of safety to protect life. As often as I have brought forward and urged the adoption of measures to remedy these evils and afford security against the dangers to which our people are constantly exposed, they have been promptly voted down as not being of sufficient importance to command the favorable consideration of Congress. Now, when I propose to organize the Territories, and allow the people to do for themselves what you have so often refused to do for them, I am told that there are not white inhabitants enough permanently settled in the country to require and sustain a Government. True there is not a very large population there, for the very good reason that your Indian code and intercourse laws exclude the settlers, and forbid their remaining there to cultivate the soil. You refuse to throw the country open to settlers, and then object to the organization of the Territories upon the ground that there is not a sufficient number of inhabitants.

The senator from Connecticut [Mr. Smith] has made a long argument to prove that there are no inhabitants in the proposed Territories because nearly all of those who have gone and settled there have done so in violation of certain old acts of Congress which forbid the people to take possession of and settle upon the public lands until after they should be surveyed and brought into market.

I do not propose to discuss the question whether these settlers are

technically legal inhabitants or not. It is enough for me that they are a part of our own people; that they are settled on the public domain; that the public interests would be promoted by throwing that public domain open to settlement; and that there is no good reason why the protection of law and the blessings of government should not be extended to them. I must be permitted to remind the senator that the same objection existed in its full force to Minnesota, to Oregon, and to Washington, when each of those Territories was organized; and that I have no recollection that he deemed it his duty to call the attention of Congress to the objection, or considered it of sufficient importance to justify him in recording his own vote against the organization of either of those Territories.

Mr. President, I do not feel called upon to make any reply to the argument which the senator from Connecticut has urged against the passage of this bill upon the score of expense in sustaining these Territorial Governments, for the reason that, if the public interests require the enactment of the law, it follows as a natural consequence that all the expenses necessary to carry it into effect are wise and proper.

I will now proceed to the consideration of the great principle involved in the bill, without omitting, however, to notice some of those extraneous matters which have been brought into this discussion with the view of producing another anti-slavery agitation. We have been told by nearly every senator who has spoken in opposition to this bill, that at the time of its introduction the people were in a state of profound quiet and repose; that the anti-slavery agitation had entirely ceased; and that the whole country was acquiescing cheerfully and cordially in the Compromise measures of 1850 as a final adjustment of this vexed question.

Sir, it is truly refreshing to hear senators, who contested every inch of ground in opposition to those measures when they were under discussion, who predicted all manner of evils and calamities from their adoption, and who raised the cry of repeal, and even resistance to their execution, after they had become the laws of the land — I say it is really refreshing to hear these same senators now bear their united testimony to the wisdom of those measures, and to the patriotic motives which induced us to pass them in defiance of their threats and resistance, and to their beneficial effects in restoring peace, harmony, and fraternity to a distracted country. . . . The two great political parties of the country stood solemnly pledged before the world to adhere to the Compromise measures of 1850, in principle and substance. A large majority of the Senate, indeed, every member of the body, I believe, except the two avowed Abolitionists [Mr. Chase and Mr. Sumner], profess to belong to the one or the other of these parties, and hence were supposed to be under a high moral obligation to carry out the principle and substance of those measures in all the new Territorial organizations. The report of the committee was in accordance with this obligation. I am arraigned, therefore, for having endeavored to represent the opinions and principles of the Senate truly; for having performed my duty in conformity with the parliamentary law; for having been faithful to the trust reposed in me by the Senate. Let the vote this night determine

whether I have thus faithfully represented your opinions. When a majority of the Senate shall have passed the bill; when a majority of the States shall have endorsed it through their representatives upon this floor; when a majority of the South and a majority of the North shall have sanctioned it; when a majority of the Whig party and a majority of the Democratic party shall have voted for it; when each of these propositions shall be demonstrated by the vote this night on the final passage of the bill, I shall be willing to submit the question to the country, whether, as the organ of the committee, I performed my duty in the report and bill which have called down upon my head so much denunciation and abuse.

Mr. President, the opponents of this measure have had much to say about the mutations and modifications which this bill has undergone since it was first introduced by myself, and about the alleged departure of the bill, in its present form, from the principle laid down in the original report of the committee as a rule of action in all future Territorial organizations. Fortunately there is no necessity, even if your patience would tolerate such a course of argument at this late hour of the night, for me to examine these speeches in detail, and to reply to each charge separately. Each speaker seems to have followed faithfully in the footsteps of his leader — in the path marked out by the Abolition confederates in their manifesto, which I exposed on a former occasion. You have seen them on their winding way, meandering the narrow and crooked path in Indian file, each treading close upon the heels of the other, and neither venturing to take a step to the right or left, or to occupy one inch of ground which did not bear the foot-print of the Abolition champion. To answer one, therefore, is to answer the whole. The statement to which they seem to attach the most importance, and which they have repeated oftener perhaps than any other, is that, pending the compromise measures of 1850, no man in or out of Congress ever dreamed of abrogating the Missouri Compromise; that from that period down to the present session nobody supposed that its validity had been impaired, or any thing done which rendered it obligatory upon us to make it inoperative hereafter; that at the time of submitting the report and bill to the Senate, on the fourth of January last, neither I nor any member of the committee ever thought of such a thing; and that we could never be brought up to the point of abrogating the eighth section of the Missouri act until after the senator from Kentucky introduced his amendment to my bill.

Mr. President, before I proceed to expose the many misrepresentations contained in this complicated charge, I must call the attention of the Senate to the false issue which these gentlemen are endeavoring to impose upon the country, for the purpose of diverting public attention from the real issue contained in the bill. They wish to have the people believe that the abrogation of what they call the Missouri Compromise was the main object and aim of the bill, and that the only question involved is, whether the prohibition of slavery north of 36° 30' shall be repealed or not? That which is a mere incident they choose to consider the principle. They make war on the means by which we propose to accomplish an object,



instead of openly resisting the object itself. The principle which we propose to carry into effect by the bill is this: That *Congress shall neither legislate slavery into any Territory or State, nor out of the same; but the people shall be left free to regulate their domestic concerns in their own way, subject only to the Constitution of the United States.*

In order to carry this principle into practical operation, it becomes necessary to remove whatever legal obstacles might be found in the way of its free exercise. It is only for the purpose of carrying out this great fundamental principle of self-government that the bill renders the eighth section of the Missouri act inoperative and void.

Mr. President, I could go on and multiply extract after extract from my speeches in 1850, and prior to that date, to show that this doctrine of leaving the people to decide these questions for themselves is not an after-thought with me, seized upon this session for the first time, as my calumniators have so frequently and boldly charged in their speeches during this debate, and in their manifesto to the public. I refused to support the celebrated Omnibus Bill in 1850 until the obnoxious provision was stricken out, and the principle of self-government restored, as it existed in my original bill. No sooner were the compromise measures of 1850 passed, than the Abolition confederates, who lead the opposition to this bill now, raised the cry of repeal in some sections of the country, and in others forcible resistance to the execution of the law. In order to arrest and suppress the treasonable purposes of these Abolition confederates, and avert the horrors of civil war, it became my duty, on the twenty-third of October, 1850, to address an excited and frenzied multitude at Chicago, in defence of each and all the compromise measures of that year. I will read one or two sentences from that speech, to show how those measures were then understood and explained by their advocates:

"These measures are predicated on the great fundamental principle that every people ought to possess the right of forming and regulating their own internal concerns and domestic institutions in their own way."

Again:

"These things are all confided by the Constitution to each State to decide for itself, and I KNOW OF NO REASON WHY THE same principle should not be confided to the Territories."

In this speech it will be seen that I lay down a general principle of universal application, and make no distinction between Territories North or South of 36° 30'.

I am aware that some of the Abolition confederates have perpetrated a monstrous forgery on that speech, and are now circulating through the Abolition newspapers the statement that I said that I would "cling with the tenacity of life to the compromise of 1850." This statement, false as it is — a deliberate act of forgery, as it is known to be by all who have ever seen or read the speech referred to — constitutes the staple article out of which most of the Abolition orators at the small anti-Nebraska meetings manufacture the greater part of their speeches. I now declare that

there is not a sentence, or a line, nor even a word in that speech, which imposes the slightest limitation on the application of the great principle embraced in this bill in all new Territorial organizations, without the least reference to the line of 36° 30'.

At the session of 1850-51, a few weeks after this speech was made at Chicago, and when it had been published in pamphlet form and circulated extensively over the States, the Legislature of Illinois proceeded to revise its action upon the slavery question, and define its position on the compromise of 1850. After rescinding the resolutions adopted at a previous session, instructing my colleague and myself to vote for a proposition prohibiting slavery in the Territories, resolutions were adopted approving the compromise measures of 1850. I will read one of the resolutions, which was adopted in the House of Representatives, by a vote of 61 yeas to 4 nays:

*“Resolved*, That our liberty and independence are based upon the right of the people to form for themselves such a Government as they may choose; that this great privilege — the birthright of freemen, the gift of heaven, secured to us by the blood of our ancestors — ought to be extended to future generations; and no limitation ought to be applied to this power, in the organization of any Territory of the United States, of either a Territorial Government or a State Constitution: *Provided*, the Government so established shall be republican, and in conformity with the Constitution.”

Another series of resolutions having passed the Senate almost unanimously, embracing the same principle in different language, they were concurred in by the House. Thus was the position of Illinois, upon the slavery question, defined at the first session of the Legislature after the adoption of the compromise of 1850.

But my accusers attempt to raise up a false issue, and thereby divert public attention from the real one, by the cry that the Missouri Compromise is to be repealed or violated by the passage of this bill. Well, if the eighth section of the Missouri Act, which attempted to fix the destinies of future generations in those Territories for all time to come, in utter disregard of the rights and wishes of the people when they should be received into the Union as States, be inconsistent with the great principle of self-government and the Constitution of the United States, it ought to be abrogated. The legislation of 1850 abrogated the Missouri Compromise, so far as the country embraced within the limits of Utah and New Mexico was covered by the slavery restriction. It is true, that those acts did not in terms and by name repeal the act of 1820, as originally adopted, or as extended by the resolutions annexing Texas in 1845, any more than the report of the Committee on Territories proposes to repeal the same acts this session. But the acts of 1850 did authorize the people of those Territories to exercise “all rightful powers of legislation consistent with the Constitution,” not excepting the question of slavery; and did provide that, when those Territories should be admitted into the Union, they



should be received with or without slavery, as the people thereof might determine at the date of their admission. These provisions were in direct conflict with a clause in a former enactment, declaring that slavery should be forever prohibited in any portion of said Territories, and hence rendered such clause inoperative and void to the extent of such conflict. This was an inevitable consequence, resulting from the provisions in those acts which gave the people the right to decide the slavery question for themselves, in conformity with the Constitution. It was not necessary to go further and declare that certain previous enactments, which were incompatible with the exercise of the powers conferred in the bills, "are hereby repealed." The very act of granting those powers and rights has the legal effect of removing all obstructions to the exercise of them by the people, as prescribed in those Territorial bills. Following that example, the Committee on Territories did not consider it necessary to declare the eighth section of the Missouri Act repealed. We were content to organize Nebraska in the precise language of the Utah and New Mexican bills. Our object was to leave the people entirely free to form and regulate their domestic institutions and internal concerns in their own way, under the Constitution; and we deemed it wise to accomplish that object in the exact terms in which the same thing had been done in Utah and New Mexico by the acts of 1850. This was the principle upon which the committee reported; and our bill was supposed, and is now believed, to have been in accordance with it. When doubts were raised whether the bill did fully carry out the principles laid down in the report, amendments were made, from time to time, in order to avoid all misconception, and make the true intent of the act more explicit. The last of these amendments was adopted yesterday, on the motion of the distinguished senator from North Carolina [Mr. Badger], in regard to the revival of any laws or regulations which may have existed prior to 1820. That amendment was not intended to change the legal effect of the bill. Its object was to repel the slander which had been propagated by the enemies of the measure in the North, that the Southern supporters of the bill desired to legislate slavery into these Territories. The South denies the right of Congress either to legislate slavery into any Territory or State, or out of any Territory or State. Non-intervention by Congress with slavery in the States or Territories is the doctrine of the bill, and all the amendments which have been agreed to have been made with the view of removing all doubt and cavil as to the true meaning and object of the measure.

Well, sir, what is this Missouri Compromise, of which we have heard so much of late? It has been read so often that it is not necessary to occupy the time of the Senate in reading it again. It was an act of Congress, passed on the sixth of March, 1820, to authorize the people of Missouri to form a Constitution and a State Government, preparatory to the admission of such State into the Union. The first section provided that Missouri should be received into the Union "on an equal footing with the original States in all respects whatsoever." The last and eighth section

provided that slavery should be "forever prohibited" in all the Territories which had been acquired from France north of  $36^{\circ} 30'$ , and not included within the limits of the State of Missouri. There is nothing in the terms of the law that purports to be a compact, or indicates that it was anything more than an ordinary act of legislation. To prove that it was more than it purports to be on its face, gentlemen must produce other evidence, and prove that there was such an understanding as to create a moral obligation in the nature of a compact. Have they shown it?

I have heard but one item of evidence produced during this whole debate, and that was a short paragraph from *Niles's Register*, published a few days after the passage of the act. But gentlemen aver that it was a solemn compact, which could not be violated or abrogated without dishonor. According to their understanding, the contract was that, in consideration of the admission of Missouri into the Union, on an equal footing with the original States in all respects whatsoever, slavery should be prohibited forever in the Territories north of  $36^{\circ} 30'$ . Now, who were the parties to this alleged compact? They tell us that it was a stipulation between the North and the South. Sir, I know of no such parties under the Constitution. I am unwilling that there shall be any such parties known in our legislation. If there is such a geographical line, it ought to be obliterated forever; and there should be no other parties than those provided for in the Constitution, namely, the States of this Union. These are the only parties capable of contracting under the Constitution of the United States.

Now, if this was a compact, let us see how it was entered into. The bill originated in the House of Representatives, and passed that body without a Southern vote in its favor. It is proper to remark, however, that it did not at that time contain the eighth section, prohibiting slavery in the Territories; but, in lieu of it, contained a provision prohibiting slavery in the proposed State of Missouri. In the Senate, the clause prohibiting slavery in the State was stricken out, and the eighth section added to the end of the bill, by the terms of which slavery was to be forever prohibited in the territory not embraced in the State of Missouri north of  $36^{\circ} 30'$ . The vote on adding this section stood, in the Senate, 34 in the affirmative, and 10 in the negative. Of the Northern senators, 20 voted for it and 2 against it. On the question of ordering the bill to a third reading as amended, which was the test vote on its passage, the vote stood 24 yeas and 20 nays. Of the Northern senators, 4 only voted in the affirmative, and 18 in the negative. Thus it will be seen that, if it was intended to be a compact, the North never agreed to it. The Northern senators voted to insert the prohibition of slavery in the Territories; and then, in the proportion of more than four to one, voted against the passage of the bill. The North, therefore, never signed the compact, never consented to it, never agreed to be bound by it. This fact becomes very important in vindicating the character of the North for repudiating this alleged compromise a few months afterwards. The act was approved and became a law on the sixth of March, 1820. In the Summer of that

year, the people of Missouri formed a Constitution and State Government preparatory to admission into the Union, in conformity with the act. At the next session of Congress the Senate passed a joint resolution, declaring Missouri to be one of the States of the Union, on an equal footing with the original States. This resolution was sent to the House of Representatives, where it was rejected by Northern votes, and thus Missouri was voted out of the Union, instead of being received into the Union under the act of the sixth of March, 1820, now known as the Missouri Compromise.

I undertake to maintain that the North objected to Missouri because she allowed slavery, and not because of the free-negro clause alone.

*Mr. Seward.* No, sir.

*Mr. Douglas.* Now I will proceed to prove that the North did not object, solely on account of the free-negro clause; but that, in the House of Representatives at that time, the North objected as well because of slavery as in regard to free negroes. Here is the evidence. In the House of Representatives, on the twelfth of February, 1821, Mr. Mallory, of Vermont, moved to amend the Senate joint resolution for the admission of Missouri, as follows:

"To amend the said amendment, by striking out all thereof after the word *respects*, and inserting the following: 'Whenever the people of the said State, by a convention, appointed according to the manner provided by the act to authorize the people of Missouri to form a Constitution and State Government, and for the admission of such State into the Union on an equal footing with the original States, and to prohibit slavery in certain Territories, approved March 6, 1820, adopt a Constitution conformably to the provisions of said act, and shall, *IN ADDITION to said provision, further provide, in and by said Constitution, that neither slavery nor involuntary servitude shall ever be allowed in said State of Missouri, unless inflicted as a punishment for crimes committed against the laws of said State, whereof the party accused shall be duly convicted: Provided, That the civil condition of those persons who now are held to service in Missouri shall not be affected by this last provision.*'"

Here I show, then, that the proposition was made that Missouri should not come in unless, in addition to complying with the Missouri Compromise, she would go further, and prohibit slavery within the limits of the State.

Sir, if this was a compact, what must be thought of those who violated it almost immediately after it was formed? I say it was a calumny upon the North to say that it was a compact. I should feel a flush of shame upon my cheek, as a Northern man, if I were to say that it was a compact, and that the section of country to which I belong received the consideration, and then repudiated the obligation in eleven months after it was entered into. I deny that it was a compact in any sense of the term. But if it was, the record proves that faith was not observed; that the contract was never carried into effect; that after the North had procured the passage

of the act prohibiting slavery in the Territories, with a majority in the House large enough to prevent its repeal, Missouri was refused admission into the Union as a slaveholding State, in conformity with the act of March 6, 1820. If the proposition be correct, as contended for by the opponents of this bill, that there was a solemn compact between the North and South that, in consideration of the prohibition of slavery in the Territories, Missouri was to be admitted into the Union in conformity with the act of 1820, that compact was repudiated by the North and rescinded by the joint action of the two parties within twelve months from its date. Missouri was never admitted under the act of the sixth of March, 1820. She was refused admission under that act. She was voted out of the Union by Northern votes, notwithstanding the stipulation that she should be received; and, in consequence of these facts, a new compromise was rendered necessary, by the terms of which Missouri was to be admitted into the Union conditionally — admitted on a condition not embraced in the act of 1820, and, in addition, to a full compliance with all the provisions of said act. If, then, the act of 1820, by the eighth section of which slavery was prohibited in the Territories, was a compact, it is clear to the comprehension of every fair-minded man that the refusal of the North to admit Missouri, in compliance with its stipulations and without further conditions, imposes upon us a high moral obligation to remove the prohibition of slavery in the Territories, since it has been shown to have been procured upon a condition never performed.

Mr. President, inasmuch as the senator from New York has taken great pains to impress upon the public mind of the North the conviction that the act of 1820 was a solemn compact, the violation or repudiation of which by either party involves perfidy and dishonor, I wish to call the attention of that senator [Mr. Seward] to the fact that his own State was the first to repudiate the compact and to instruct her senators in Congress not to admit Missouri into the Union in compliance with it, nor unless slavery should be prohibited in the State of Missouri.

*Mr. Seward.* That is so.

*Mr. Douglas.* I have the resolutions before me, in the printed Journal of the Senate. The senator from New York is familiar with the fact, and frankly admits it:

"STATE OF NEW YORK,        }  
"IN ASSEMBLY, November 13, 1820."

"Whereas, the Legislature of this State, at the last session, did instruct their senators and request their representatives in Congress to oppose the admission, as a State, into the Union, of any Territory not comprised within the original boundaries of the United States, without making the prohibition of slavery therein an indispensable condition of admission; and whereas this Legislature is impressed with the correctness of the sentiments so communicated to our senators and representatives: Therefore,

*"Resolved* (if the honorable the Senate concur herein), That this Legislature does approve of the principles contained in the resolutions of the



last session; and further, if the provisions contained in any proposed Constitution of a new State deny to any citizens of the existing States, the privileges and immunities of citizens of such new State, that such proposed Constitution should not be accepted or confirmed; the same, in the opinion of this Legislature, being void by the Constitution of the United States. And that our senators be instructed, and our representatives in Congress be requested, to use their utmost exertions to prevent the acceptance and confirmation of any such Constitution."

It will be seen by these resolutions that at the previous session the New York Legislature had "instructed" the senators from that State "TO OPPOSE THE ADMISSION, AS A STATE, INTO THE UNION OF ANY TERRITORY not comprised within the original boundaries of the United States, WITHOUT MAKING THE PROHIBITION OF SLAVERY THEREIN AN INDISPENSABLE CONDITION OF ADMISSION."

These instructions are not confined to territory north of 36° 30'. They apply, and were intended to apply, to the whole country west of the Mississippi, and to all territory which might hereafter be acquired. They deny the right of Arkansas to admission as a slaveholding State, as well as Missouri. They lay down a general principle to be applied and insisted upon everywhere, and in all cases, and under all circumstances. These resolutions were first adopted prior to the passage of the act of March 6, 1820, which the senator now chooses to call a compact. But they were renewed and repeated on the thirteenth of November, 1820, a little more than eight months after the adoption of the Missouri Compromise, as instructions to the New York senators to resist the admission of Missouri as a slaveholding State, notwithstanding the stipulations in the alleged compact.

But since the senator [Mr. Seward] has chosen to make an issue with me in respect to the action of New York, with the view of condemning my conduct here, I will invite the attention of the senator to another portion of these resolutions. Referring to the fourteenth section of the Nebraska Bill, the Legislature of New York says:

"That the adoption of this provision would be in derogation of the truth, a gross violation of plighted faith, and an outrage and indignity upon the free States of the Union, whose assent has been yielded to the admission into the Union of Missouri and of Arkansas, with slavery, in reliance upon the faithful observance of the provision (now sought to be abrogated) known as the Missouri Compromise, whereby slavery was declared to be "forever prohibited in all that territory ceded by France to the United States, under the name of Louisiana, which lies north of 36° 30' north latitude, not included within the limits of the State of Missouri."

I have no comments to make upon the courtesy and propriety exhibited in this legislative declaration, that a provision in a bill, reported by a regular committee of the Senate of the United States, and known to be approved by three-fourths of the body, and which has since received the sanction of their votes, is "in derogation of truth, a gross violation of

plighted faith, and an outrage and indignity," etc. The opponents of this measure claim a monopoly of all the courtesies and amenities which should be observed among gentlemen, and especially in the performance of official duties; and I am free to say that this is one of the mildest and most respectful forms of expression in which they have indulged. But there is a declaration in this resolution to which I wish to invite the particular attention of the Senate and the country. It is the distinct allegation that the free States of the Union, including New York, yielded their "assent to the admission into the Union of Missouri and Arkansas, with slavery, in reliance upon the faithful observance of the provision known as the Missouri Compromise."

Now, sir, since the Legislature of New York has gone out of its way to arraign the State on matters of truth, I will demonstrate that this paragraph contains two material statements in direct derogation of truth. I have already shown, beyond controversy, by the records of the Legislature and by the Journals of the Senate, that New York never did give her assent to the admission of Missouri with slavery! Hence, I must be permitted to say, in the polite language of her own resolutions, that the statement that New York yielded her assent to the admission of Missouri with slavery is in derogation of truth! And secondly, the statement that such assent was given "in reliance upon the faithful observance of the Missouri Compromise" is equally in derogation of truth. New York never assented to the admission of Missouri as a slave State, never assented to what she now calls the Missouri Compromise, never observed its stipulations as a compact, never has been willing to carry it out; but, on the contrary, has always resisted it, as I have demonstrated by her own records.

Mr. President, I have before me other journals, records, and instructions, which prove that New York was not the only free State that repudiated the Missouri Compromise of 1820, within twelve months from its date. I will not occupy the time of the Senate at this late hour of the night by referring to them, unless some opponent of the bill renders it necessary. In that event, I may be able to place other senators and their States in the same unenviable position in which the senator from New York has found himself and his State.

I think I have shown, that to call the act of the sixth of March, 1820, a compact, binding in honor, is to charge the Northern States of this Union with an act of perfidy unparalleled in the history of legislation or of civilization. I have already adverted to the facts, that in the Summer of 1820 Missouri formed her Constitution, in conformity with the act of the sixth of March; that it was presented to Congress at the next session; that the Senate passed a joint resolution declaring her to be one of the States of the Union, on an equal footing with the original States; and that the House of Representatives rejected it, and refused to allow her to come into the Union, because her Constitution did not prohibit slavery.

These facts created the necessity for a new compromise, the old one having failed of its object, which was to bring Missouri into the Union.



At this period in the order of events — in February, 1821, when the excitement was almost beyond restraint, and a great fundamental principle, involving the right of the people of the new States to regulate their own domestic institutions, was dividing the Union into two great hostile parties — Henry Clay, of Kentucky, came forward with a new compromise, which had the effect to change the issue, and make the result of the controversy turn upon a different point. He brought in a resolution for the admission of Missouri into the Union, not in pursuance of the act of 1820, not in obedience to the understanding when it was adopted, and not with her Constitution as it had been formed in conformity with that act, but he proposed to admit Missouri into the Union upon a “fundamental condition,” which condition was to be in the nature of a solemn compact between the United States on the one part and the State of Missouri on the other part, and to which “fundamental condition” the State of Missouri was required to declare her assent in the form of “a solemn public act.” This joint resolution passed, and was approved March 2, 1821, and is known as Mr. Clay’s Missouri compromise, in contradistinction to that of 1820, which was introduced into the Senate by Mr. Thomas of Illinois. In the month of June, 1821, the Legislature of Missouri assembled and passed the “solemn public act,” and furnished an authenticated copy thereof to the President of the United States, in compliance with Mr. Clay’s compromise, or joint resolution. On August 10, 1821, James Monroe, President of the United States, issued his proclamation, in which, after reciting the fact that on the second of March, 1821, Congress had passed a joint resolution “providing for the admission of the State of Missouri into the Union, on a certain condition”; and that the general assembly of Missouri, on the twenty-sixth of June, having, “by a solemn public act, declared the assent of said State of Missouri to the fundamental condition contained in said joint resolution,” and having furnished him with an authenticated copy thereof, he, “*in pursuance of the resolution of Congress aforesaid,*” declared the admission of Missouri to be complete.

I do not deem it necessary to discuss the question whether the conditions upon which Missouri was admitted were wise or unwise. It is sufficient for my present purpose to remark that the “fundamental condition” of her admission related to certain clauses in the Constitution of Missouri in respect to the migration of free negroes into that State; clauses similar to those now in force in the Constitutions of Illinois and Indiana, and perhaps other States; clauses similar to the provisions of law in force at that time in many of the old States of the Union; and, I will add, clauses which, in my opinion, Missouri had a right to adopt under the Constitution of the United States. It is no answer to this position to say, that those clauses in the Constitution of Missouri were in violation of the Constitution. If they did conflict with the Constitution of the United States, they were void; if they were not in conflict, Missouri had a right to put them there, and to pass all laws necessary to carry them into effect. Whether such conflict did exist is a question which, by the Constitution, can only be determined authoritatively by the Supreme Court of the

United States. Congress is not the appropriate and competent tribunal to adjudicate and determine questions of conflict between the Constitution of a State and that of the United States. Had Missouri been admitted without any condition or restriction, she would have had an opportunity of vindicating her Constitution and rights in the Supreme Court — the tribunal created by the Constitution for that purpose.

By the condition imposed on Missouri, Congress not only deprived that State of a right which she believed she possessed under the Constitution of the United States, but denied her the privilege of vindicating that right in the appropriate and constitutional tribunals, by compelling her, "by a solemn public act," to give an irrevocable pledge never to exercise or claim the right. Therefore Missouri came under a humiliating condition — a condition not imposed by the Constitution of the United States, and which destroys the principle of equality which should exist, and by the Constitution does exist, between all the States of this Union. This inequality resulted from Mr. Clay's compromise of 1821, and is the principle upon which that compromise was constructed. I own that the act is couched in general terms and vague phrases, and therefore may possibly be so construed as not to deprive the State of any right she might possess under the Constitution. Upon that point I wish only to say, that such a construction makes the "fundamental condition" void, while the opposite construction would demonstrate it to be unconstitutional. I have before me the "solemn public act" of Missouri to this fundamental condition. Whoever will take the trouble to read it will find it the richest specimen of irony and sarcasm that has ever been incorporated into a solemn public act.

Mr. President, it was a mortifying reflection to me, as a Northern man, that we had not been able, in consequence of the abolition excitement at the time, to avoid the appearance of bad faith in the observance of legislation, which has been denominated a compromise. There were a few men then, as there are now, who had the moral courage to perform their duty to the country and the Constitution, regardless of consequences personal to themselves. There were ten Northern men who dared to perform their duty by voting to admit Missouri into the Union on an equal footing with the original States, and with no other restriction than that imposed by the Constitution. I am aware that they were abused and denounced as we are now; that they were branded as dough-faces, traitors to freedom, and to the section of the country whence they come.

*Mr. Geyer.* They honored Mr. Lanman, of Connecticut, by burning him in effigy.

*Mr. Douglas.* Yes, sir; these Abolitionists honored Mr. Lanman in Connecticut just as they are honoring me in Boston, and other places, by burning me in effigy.

*Mr. Cass.* It will do you no harm.

*Mr. Douglas.* Well, sir, I know it will not; but why this burning in effigy? It is the legitimate consequences of the address which was sent forth to the world by certain senators whom I denominated, on a former

occasion, as the Abolition confederates. The senator from Ohio presented here the other day a resolution — he says unintentionally, and I take it so — declaring that every senator who advocated this bill was a traitor to his country, to humanity, and to God; and even he seemed to be shocked at the results of his own advice when it was exposed. Yet he did not seem to know that it was, in substance, what he had advised in his address, over his own signature, when he called upon the people to assemble in public meetings and thunder forth their indignation as the criminal betrayal of precious rights; when he appealed to ministers of the gospel to desecrate their holy calling, and attempted to inflame passions, and fanaticism, and prejudice against senators who would not consider themselves very highly complimented by being called his equals. And yet, when the natural consequences of his own action and advice come back upon him, and he presents them here, and is called to an account for the indecency of the act, he professes his profound regret and surprise that anything should have occurred which could possibly be deemed unkind or disrespectful to any member of this body!

*Mr. Sumner.* I rise merely to correct the senator in a statement in regard to myself, to the effect that I had said that Missouri came into the Union under the act of 1820, instead of the act of 1821. I forbore to designate any particular act under which Missouri came into the Union, but simply asserted, as the result of the long controversy with regard to her admission, and as the end of the whole transaction, that she was received as a slave State; and that on being so received, whether sooner or later, whether under the act of 1820 or 1821, the obligations of the compact were fixed — irrevocably fixed — so far as the South is concerned.

*Mr. Douglas.* The senator's explanation does not help him at all. He says he did not state under what act Missouri came in; but he did say, as I understood him, that the act of 1820 was a compact, and that, according to that compact, Missouri was to come in with slavery, provided slavery should be prohibited in certain Territories, and did come in in pursuance of the compact. He now uses the word "compact." To what compact does he allude? Is it not to the act of 1820? If he did not, what becomes of his conclusion that the eighth section of that act is irrevocable? He will not venture to deny that his reference was to the act of 1820. Did he refer to the joint resolution of 1821, under which Missouri was admitted? If so, we do not propose to repeal it. We admit that it was a compact, and that its obligations are irrevocably fixed. But that joint resolution does not prohibit slavery in the Territories. The Nebraska Bill does not propose to repeal it, or impair its obligation in any way. Then, sir, why not take back your correction, and admit that you did mean the act of 1820, when you spoke of irrevocable obligations and compacts? Assuming, then, that the senator meant what he is now unwilling either to admit or deny, even while professing to correct me, that Missouri came in under the act of 1820, I aver that I have proven that she did not come into the Union under that act. I have proven that she was refused admission under that alleged compact. I have, therefore, proven incontestably

that the material statement upon which his argument rests is wholly without foundation, and unequivocally contradicted by the record.

Sir, I believe I may say the same of every speech which has been made against the bill, upon the ground that it impaired the obligation of compacts. There has not been an argument against the measure, every word of which in regard to the faith of compacts is not contradicted by the public records. What I complain of is this: The people may think that a senator, having the laws and journals before him, to which he could refer, would not make a statement in contravention of those records. They make the people believe these things, and cause them to do great injustice to others, under the delusion that they have been wronged and their feelings outraged. Sir, this address did for a time mislead the whole country. It made the Legislature of New York believe that the act of 1820 was a compact which it would be disgraceful to violate; and, acting under that delusion, they framed a series of resolutions, which, if true and just, convict that State of an act of perfidy and treachery unparalleled in the history of free Governments. You see, therefore, the consequences of these misstatements. You degrade your own State, and induce the people, under the impression that they have been injured, to get up a violent crusade against those whose fidelity and truthfulness will in the end command their respect and admiration. In consequence of arousing passions and prejudices, I am now to be found in effigy, hanging by the neck, in all the towns where you have the influence to produce such a result. In all these excesses, the people are yielding to an honest impulse, under the impression that a grievous wrong has been perpetrated. You have had your day of triumph. You have succeeded in directing upon the heads of others a torrent of insult and calumny from which even you shrink with horror, when the fact is exposed that you have become the conduits for conveying it into this hall. In your State, sir [addressing himself to Mr. Chase], I find that I am burnt in effigy in your Abolition towns. All this is done because I have proposed, as it is said, to violate a compact! Now, what will those people think of you when they find out that you have stimulated them to those acts, which are disgraceful to your State, disgraceful to your party, and disgraceful to your cause, under a misrepresentation of the facts, which misrepresentation you ought to have been aware of, and should never have been made?

*Mr. Chase.* Will the senator from Illinois permit me to say a few words?

*Mr. Douglas.* Certainly.

*Mr. Chase.* Mr. President, I certainly regret that anything has occurred in my State which should be otherwise than in accordance with the disposition which I trust I have ever manifested to treat the senator from Illinois with entire courtesy. I do not wish, however, to be understood here, or elsewhere, as retracting any statement which I have made, or being unwilling to reassert that statement when it is directly impeached. I regard the admission of Missouri, and the facts of the transaction connected with it as constituting a compact between the two sections of the country, a part of which was fulfilled in the admission of Missouri, another



part in the admission of Arkansas, and other parts of which have been fulfilled in the admission of Iowa, and the organization of Minnesota, but which yet remains to be fulfilled in respect to the Territory of Nebraska, and which, in my judgment, will be violated by the repeal of the Missouri prohibition. That is my judgment. I have no quarrel with senators who differ with me; but upon the whole facts of the transaction, however, I have not changed my opinion at all, in consequence of what has been said by the honorable senator from Illinois. I say that the facts of the transaction, taken together, and as understood by the country for more than thirty years, constitute a compact binding in moral force; though, as I have always said, being embodied in a legislative act, it may be repealed by Congress, if Congress see fit.

*Mr. Douglas.* Mr. President, I am sorry the senator from Ohio has repeated the statement that Missouri came in under the compact which he says was made by the act of 1820. How many times have I to disprove the statement? Does not the vote to which I have referred show that such was not the case? Does not the fact that there was a necessity for a new compromise show it? Have I not proved it three times over? and is it possible that the senator from Ohio will repeat it in the face of the record, with the vote staring him in the face, and with the evidence which I have produced? Does he suppose that he can make his own people believe that his statement ought to be credited in opposition to the solemn record? I am amazed that the senator should repeat the statement again unsustained by the fact, by the record, and by the evidence, and overwhelmed by the whole current and weight of the testimony which I have produced.

The senator says, also, that he never intended to do me injustice, and he is sorry that the people of his State have acted in the manner to which I have referred. Sir, did he not say, in the same document to which I have already alluded, that I was engaged, with others, in "a criminal betrayal of precious rights," in an "atrocious plot"? Did he not say that I and others were guilty of "meditated bad faith"? Are not these his exact words? Did he not say that "servile demagogues" might make the people believe certain things, or attempt to do so? Did he not say everything calculated to produce and bring upon my head all the insults to which I have been subjected, publicly and privately — not even excepting the insulting letters which I have received from his constituents, rejoicing at my domestic bereavements, and praying that other and similar calamities may befall me? All these have resulted from that address. I expected such consequences when I first saw it. In it he called upon the preachers of the gospel to prostitute the sacred desk in stimulating excesses; and then, for fear that the people would not know who it was that was to be insulted and calumniated, he told them in a postscript, that Mr. Douglas was the author of all this iniquity, and that they ought not to allow their rights to be made the hazard of a Presidential game! After having used such language, he says he meant no disrespect — he meant nothing unkind! He was amazed that I said in my opening speech that

there was anything offensive in this address; and he could not suffer himself to use harsh epithets, or to impugn a gentleman's motives! No, not he! After having deliberately written all these insults, impugning motive and character, and calling upon our holy religion to sanctify the calumny, he could not think of losing his dignity by bandying epithets, or using harsh and disrespectful terms!

Mr. President, I expected all that has occurred, and more than has come, as the legitimate result of that address. The things to which I referred are the natural consequences of it. The only revenge I seek is to expose the authors, and leave them to bear, as best they may, the just indignation of an honest community, when the people discover how their sympathies and feelings have been outraged by making them the instruments in performing such desperate acts.

Sir, even in Boston I have been hung in effigy. I may say that I expected it to occur even there, for the senator from Massachusetts lives there. He signed his name to that address; and for fear the Boston Abolitionists would not know that it was he, he signed it "Charles Sumner, senator from Massachusetts." The first outrage was in Ohio, where the address was circulated under the signature of "Salmon P. Chase, senator from Ohio." The next came from Boston — the same Boston, sir, which, under the direction of the same leaders, closed Faneuil Hall to the immortal Webster in 1850, because of his support of the compromise measures of that year, which all now confess have restored peace and harmony to a distracted country. Yes, sir, even Boston, so glorious in her early history, — Boston, around whose name so many historical associations cling, to gratify the heart and exalt the pride of every American, — could be led astray by Abolition misrepresentations so far as to deny a hearing to her own great man, who had shed so much glory upon Massachusetts and her metropolis! I know that Boston now feels humiliated and degraded by the act. And, sir [addressing himself to Mr. Sumner], you will remember that when you came into the Senate, and sought an opportunity to put forth your Abolition incendiarism, you appealed to our sense of justice by the sentiment, "Strike, but hear me first." But when Mr. Webster went back in 1850 to speak to his constituents in his own self-defence, to tell the truth, and to expose his slanderers, you would not hear him, but *you struck first!*

Again, sir, even Boston, with her Faneuil Hall consecrated to liberty, was so far led astray by Abolitionism that when one of her gallant sons, gallant by his own glorious deeds, inheriting a heroic revolutionary name, had given his life to his country upon the bloody field of Buena Vista, and when his remains were brought home, even that Boston, under Abolition guidance and Abolition preaching, denied him a decent burial, because he lost his life in vindicating his country's honor upon the Southern frontier! Even the name of Lincoln and the deeds of Lincoln could not secure for him a decent interment, because Abolitionism follows a patriot beyond the grave.

Mr. President, with these facts before me, how could I hope to escape



the fate which had followed these great and good men? While I had no right to hope that I might be honored as they had been under Abolition auspices, have I not a right to be proud of the distinction and the association? Mr. President, I regret these digressions. I have not been able to follow the line of argument which I had marked out for myself, because of the many interruptions. I do not complain of them. It is fair that gentlemen should make them, inasmuch as they have not the opportunity of replying; hence I have yielded the floor, and propose to do so cheerfully whenever any senator intimates that justice to him or his position requires him to say anything in reply.

Returning to the point from which I was diverted:

I think I have shown that if the act of 1820, called the Missouri Compromise, was a compact, it was violated and repudiated by a solemn vote of the House of Representatives in 1821, within eleven months after it was adopted. It was repudiated by the North by a majority vote, and that repudiation was so complete and successful as to compel Missouri to make a new compromise, and she was brought into the Union under the new compromise of 1821, and not under the act of 1820. This reminds me of another point made in nearly all the speeches against this bill, and, if I recollect right, was alluded to in the abolition manifesto; to which, I regret to say, I had occasion to refer so often. I refer to the significant hint that Mr. Clay was dead before any one dared to bring forward a proposition to undo the greatest work of his hands. The senator from New York [Mr. Seward] has seized upon this insinuation and elaborated it, perhaps more fully than his compeers; and now the Abolition press suddenly, and, as if by miraculous conversion, teems with eulogies upon Mr. Clay and his Missouri Compromise of 1820.

Now, Mr. President, does not each of these senators know that Mr. Clay was not the author of the act of 1820? Do they not know that he disclaimed it in 1850 in this body? Do they not know that the Missouri restriction did not originate in the House of which he was a member? Do they not know that Mr. Clay never came into Missouri controversy as a compromiser until after the compromise of 1820 was repudiated, and it became necessary to make another? I dislike to be compelled to repeat what I have conclusively proven, that the compromise which Mr. Clay effected was the act of 1821, under which Missouri came into the Union, and not the act of 1820. Mr. Clay made that compromise after you had repudiated the first one. How, then, dare you call upon the spirit of that great and gallant statesman to sanction your charge of bad faith against the South on this question?

Now, Mr. President, as I have been doing justice to Mr. Clay on this question, perhaps I may as well do justice to another great man, who was associated with him in carrying through the great measures of 1850 which mortified the senator from New York so much, because they defeated his purpose of carrying on the agitation. I allude to Mr. Webster. The authority of his great name has been quoted for the purpose of proving that he regarded the Missouri act as a compact — an irrevocable compact.



PRESIDENT JAMES K. POLK



Evidently the distinguished senator from Massachusetts [Mr. Everett] supposed he was doing Mr. Webster entire justice when he quoted the passage which he read from Mr. Webster's speech of the seventh of March, 1850, when he said that he stood upon the position that every part of the American continent was fixed for freedom or for slavery by irrepealable law.

The senator says that by the expression "irrepealable law," Mr. Webster meant to include the compromise of 1820. Now, I will show that that was not Mr. Webster's meaning — that he was never guilty of the mistake of saying that the Missouri act of 1820 was an irrepealable law. Mr. Webster said in that speech, that every foot of territory in the United States was fixed as to its character for freedom or slavery by an irrepealable law. He then inquired if it was not so in regard to Texas. He went on to prove that it was; because, he said, there was a compact in express terms between Texas and the United States. He said the parties were capable of contracting, and that there was a valuable consideration; and hence, he contended, that in that case there was a contract binding in honor, and morals, and law; and that it was irrepealable without a breach of faith.

He went on to say:

"Now, as to California and New Mexico, I hold slavery to be excluded from those Territories by a law even superior to that which admits and sanctions it in Texas — I mean the law of nature, of physical geography, the law of the formation of the earth."

That was the irrepealable law which he said prohibited slavery in the territories of Utah and New Mexico. He next went on to speak of the prohibition of slavery in Oregon, and he said it was an "entirely useless, and in that connection, senseless proviso."

He went further, and said:

"That the whole territory of the States in the United States, or in the newly-acquired territory of the United States, has a fixed and settled character, now fixed and settled by law, which cannot be repealed in the case of Texas without a violation of public faith, and cannot be repealed by any human power in regard to California or New Mexico; that, *under one or other of these laws*, every foot of territory in the States, or in the Territories, has now received a fixed and decided character."

What irrepealable laws? One or the other of those which he had stated. One was the Texas compact, the other the law of nature and physical geography; and he contends that one or the other fixed the character of the whole American continent for freedom or for slavery. He never alluded to the Missouri Compromise, unless it was by the allusion to the Wilmot Proviso in the Oregon bill, and there he said it was a useless, and, in that connection, senseless thing. Why was it a useless and a senseless thing? Because it was reënacting the law of God; because slavery had already been prohibited by physical geography. Sir, that was the meaning of Mr. Webster's speech. My distinguished friend from Massachusetts [Mr. Everett], when he reads the speech again, will be utterly

amazed to see how he fell into such an egregious error as to suppose that Mr. Webster had so far fallen from his high position as to say that the Missouri act of 1820 was an irrevocable law.

Mr. President, I am sorry that I have taken up so much time; but I must notice one or two points more. So much has been said about the Missouri Compromise act, and about a faithful compliance with it by the North, that I must follow that matter a little further. The senator from Ohio [Mr. Wade] has referred, to-night, to the fact that I went for carrying out the Missouri Compromise in the Texas resolutions of 1845, and in 1848, on several occasions; and he actually proved that I never abandoned it until 1850. He need not have taken the pains to prove that fact; for he got all his information on the subject from my opening speech upon this bill. I told you then that I was willing, as a Northern man, in 1845, when the Texas question arose, to carry the Missouri Compromise line through that State, and in 1848 I offered it as an amendment to the Oregon bill. Although I did not like the principle involved in that act, yet I was willing, for the sake of harmony, to extend it to the Pacific, and abide by it in good faith, in order to avoid the slavery agitation. The Missouri Compromise was defeated then by the same class of politicians who are now combined in opposition to the Nebraska bill. It was because we were unable to carry out that compromise, that a necessity existed for making a new one in 1850. And then we established this great principle of self-government which lies at the foundation of all our institutions. What does his charge amount to? He charges it, as a matter of offence, that I struggled in 1845 and in 1848 to observe good faith; and he and his associates defeated my purpose and deprived me of the ability to carry out what he now says is the plighted faith of the nation.

*Mr. Wade.* I did not charge the senator with anything except with making a very excellent argument on my side of the question, and I wished he would make it again to-night. That was all.

*Mr. Douglas.* What was the argument which I made? A Southern senator had complained that the Missouri Compromise was a matter of injustice to the South. I told him he ought not to complain of that when his Southern friends were here proposing to accept it; and if we could carry it out, he had no right to make such a complaint. I was anxious to carry it out. It would not have done for a Northern man who was opposed to the measure, and unwilling to abide it, to take that position. It would not have become the senator from Ohio, who then denounced the very measure which he now calls a sacred compact, to take that position. But, as one who has always been in favor of carrying it out, it was legitimate and proper that I should make that argument in reply.

Sir, as I have said, the South was willing to agree to the Missouri Compromise in 1848. When it was proposed by me to the Oregon bill, as an amendment, to extend that line to the Pacific, the South agreed to it. The Senate adopted that proposition, and the House voted it down. In 1850, after the Omnibus bill had broken down, and we proceeded to pass



the compromise measures separately, I proposed, when the Utah bill was under discussion, to make a slight variation of the boundary of that Territory, so as to include the Mormon settlements, and not with reference to any other question; and it was suggested that we should take the line of  $36^{\circ} 30'$ . That would have accomplished the local objects of the amendment very well. But when I proposed it, what did these Free-soilers say? What did the senator from New Hampshire [Mr. Hale], who was then their leader in this body, say? Here are his words:

"I wish to say a word as a reason why I shall vote against the amendment. I shall vote against  $36^{\circ} 30'$  *because I think there is an implication in it*. I will vote for  $37^{\circ}$  or  $36^{\circ}$  either, just as it is convenient; but it is idle to shut our eyes to the fact that here is an attempt in this bill — I will not say it is the intention of the mover — to pledge this Senate and Congress to the imaginary line of  $36^{\circ} 30'$ , because there are some historical recollections connected with it in regard to this controversy about slavery, I will content myself with saying that I never will, by vote or speech, admit or submit to anything that may bind the action of our legislation here to make the parallel of  $36^{\circ} 30'$  the boundary line between slave and free territory. And when I say that, I explain the reason why I go against the amendment."

These remarks of Mr. Hale were not made on a proposition to extend the Missouri Compromise line to the Pacific, but on a proposition to fix  $36^{\circ} 30'$  as the Southern boundary line of Utah, for local reasons. He was against it because there might be, as he said, an implication growing out of historical recollections in favor of the imaginary line between slavery and freedom. Does that look as if his object was to get an implication in favor of preserving sacred this line, in regard to which gentlemen now say there was a solemn compact? That proposition may illustrate what I wish to say in this connection upon a point which has been made by the opponents of this bill as to the effect of an amendment inserted on the motion of the senator from Virginia [Mr. Mason] into the Texas boundary bill. The opponents of this measure rely upon that amendment to show that the Texas compact was preserved by the acts of 1850. I have already shown, in my former speech, that the object of the amendment was to guarantee to the State of Texas, with her circumscribed boundaries, the same number of States which she would have had under her larger boundaries, and with the same right to come in with or without slavery, as they please.

We have been told over and over again that there was no such thing intimated in debate as that the country cut off from Texas was to be relieved from the stipulation of that compromise. This has been asserted boldly and unconditionally, as if there could be no doubt about it. The senator from Georgia [Mr. Toombs] in his speech showed that, in his address to his constituents of that State, he had proclaimed to the world that the object was to establish a principle which would allow the people to decide the question of slavery for themselves, North as well as South of  $36^{\circ} 30'$ . The line of  $36^{\circ} 30'$  was voted down as the boundary of Utah, so that there should not be even an implication in favor of an imaginary



line to divide freedom and slavery. . . . The debate goes upon the supposition that the effect was to release the country north of 36° 30' from the obligation of the prohibition; and the only question was whether the declaration that it should be received into the Union "with or without slavery" should be inserted in the Texas bill or the Territorial bill.

Now, sir, have I not shown conclusively that it was the understanding in that debate that the effect was to release the country north of 36° 30', which formerly belonged to Texas, from the operation of that restriction, and to provide that it should come into the Union with or without slavery, as its people should see proper?

Mr. President, frequent reference has been made in debate to the admission of Arkansas as a slaveholding State, as furnishing evidence that the Abolitionists and Free-soilers, who have recently become so much enamored with the Missouri Compromise, have always been faithful to its stipulations and implications. I will show that the reference is unfortunate for them. When Arkansas applied for admission in 1836, objection was made in consequence of the provisions of her Constitution in respect to slavery. When the Abolitionists and Free-soilers of that day were arraigned for making that objection, upon the ground that Arkansas was south of 36° 30', they replied that the act of 1820 was never a compromise, much less a compact, imposing any obligation upon the successors of those who passed the act to pay any more respect to its provisions than to any other enactment of ordinary legislation. I have the debates before me, but will occupy the attention of the Senate only to read one or two paragraphs. Mr. Hand, of New York, in opposition to the admission of Arkansas as a slaveholding State, said:

"I am aware it will be, as it has already been, contended, that by the Missouri Compromise, as it has been preposterously termed, Congress has parted with its right to prohibit the introduction of slavery into the territory south of 36° 30' north latitude."

He acknowledged that by the Missouri Compromise, as he said it was preposterously termed, the North was estopped from denying the right to hold slaves south of that line; but, he added:

"There are, to my mind, insuperable objections to the soundness of that proposition."

Here they are:

"In the first place, there was no compromise or compact whereby Congress surrendered any power, or yielded any jurisdiction; and, in the second place, if it had done so, it was a mere legislative act, that could not bind their successors; it would be subject to a repeal at the will of any succeeding Congress."

I give these passages as specimens of the various speeches made in opposition to the admission of Arkansas by the same class of politicians who now oppose the Nebraska bill, upon the ground that it violates a solemn compact. So much for the speeches. Now for the vote. The journal

which I hold in my hand shows that forty-nine Northern votes were recorded against the admission of Arkansas.

Yet, sir, in utter disregard — and charity leads me to hope, in profound ignorance — of all these facts, gentlemen are boasting that the North always observed the contract, never denied its validity, never wished to violate it; and they have even referred to the cases of the admission of Missouri and Arkansas as instances of their good faith.

Now, is it possible that gentlemen could suppose these things could be said and distributed in their speeches without exposure? Did they presume that, inasmuch as their lives were devoted to slavery agitation, whatever they did not know about the history of that question did not exist? I am willing to believe, I hope it may be the fact, that they were profoundly ignorant of all these records, all these debates, all these facts, which overthrow every position they have assumed. I wish the senator from Maine [Mr. Fessenden], who delivered his maiden speech here to-night, and who made a great many sly stabs at me, had informed himself upon the subject before he repeated all these groundless assertions. I can excuse him, for the reason that he has been here but a few days, and, having enlisted under the banner of the Abolition confederates, was unwise and simple enough to believe that what they had published could be relied upon as stubborn facts. He may be an innocent victim. I hope he can have the excuse of not having investigated the subject. I am willing to excuse him on the ground that he did not know what he was talking about, and it is the only excuse which I can make for him. I will say, however, that I do not think he was required by his loyalty to the Abolitionists to repeat every disreputable insinuation which they made. Why did he throw into his speech that foul innuendo about “a Northern man with Southern principles,” and then quote the senator from Massachusetts [Mr. Sumner] as his authority? Ay, sir, I say that foul insinuation. Did not the senator from Massachusetts who first dragged it into this debate wish to have the public understand that I was known as a Northern man with Southern principles? Was not that the allusion? If it was, he availed himself of a cant phrase in the public mind, in violation of the truth of history. I know of but one man in this country who ever made it a boast that he was a Northern man with Southern principles, and *he* [turning to Mr. Sumner] was *your* candidate for the Presidency in 1848. If his sarcasm was intended for Martin Van Buren, it involves a family quarrel, with which I have no disposition to interfere. I will only add that I have been able to discover nothing in the present position or recent history of that distinguished statesman which would lead me to covet the *sobriquet* by which he is known — “a Northern man with Southern principles.”

Mr. President, the senators from Ohio and Massachusetts [Mr. Chase and Mr. Sumner] have taken the liberty to impeach my motives in bringing forward this measure. I desire to know by what right they arraign me, or by what authority they impute to me other and different motives than those which I have assigned. I have shown from the record that I advocated and voted for the same principles and provisions in the

compromise acts of 1850 which are embraced in this bill. I have proven that I put the same construction upon those measures immediately after their adoption that is given in the report which I submitted this session from the Committee on Territories. I have shown that the Legislature of Illinois at its first session, after those measures were enacted, passed resolutions approving them, and declaring that the same great principles of self-government should be incorporated into all Territorial organizations. Yet, sir, in the face of these facts, these senators have the hardihood to declare that this was all an "after-thought" on my part, conceived for the first time during the present session; and that the measure is offered as a bid for Presidential votes! Are they incapable of conceiving that an honest man can do a right thing from worthy motives? I must be permitted to tell those senators that their experience in seeking political preferment does not furnish a safe rule by which to judge the character and principles of other senators!

I must be permitted to tell the senator from Ohio that I did not obtain my seat in this body either by a corrupt bargain or a dishonorable coalition! I must be permitted to remind the senator from Massachusetts that I did not enter into any combinations or arrangements by which my character, my principles, and my honor were set up at public auction or private sale, in order to procure a seat in the Senate of the United States! I did not come into the Senate by any such means.

*Mr. Chase.* Will the senator from Illinois allow me? Does he say that I came into the Senate by a corrupt bargain?

*Mr. Douglas.* I cannot permit the senator to change the issue. He has arraigned me on the charge of seeking high political station by unworthy means. I tell him there is nothing in my history which would create the suspicion that I came into the Senate by a corrupt bargain or a disgraceful coalition.

*Mr. Chase.* Whoever says that I came here by a corrupt bargain states what is false.

*Mr. Weller.* Mr. President —

*Mr. Douglas.* My friend from California will wait till I get through, if he pleases.

*The Presiding Officer.* The Senator from Illinois is entitled to the floor.

*Mr. Douglas.* It will not do for the senator from Ohio to return offensive expressions after what I have said and proven. Nor can I permit him to change the issue, and thereby divert public attention from the enormity of his offence, in charging me with unworthy motives, while performing a high public duty, in obedience to the expressed wish and known principles of my State. I choose to maintain my own position, and leave the public to ascertain, if they do not understand, how and by what means he was elected to the Senate.

*Mr. Chase.* If the senator will allow me, I will say, in reply to the remarks which the senator has just made, that I did not understand him as calling upon me for any explanation of the statement which he said

was made in regard to a Presidential bid. The exact statement in the address was this — it was a question addressed to the people: "Would they allow their dearest rights to be made the hazards of a Presidential game?" That was the exact expression. Now, sir, it is well known that all these great measures in the country are influenced, more or less, by reference to the great public convasses which are going on from time to time. I certainly did not intend to impute to the senator from Illinois — and I desire always to do justice — in that any improper motive. I do not think it is an unworthy ambition to desire to be a President of the United States. I do not think that the bringing forward of a measure with reference to that object would be an improper thing, if the measure be proper in itself. I differ from the senator in my judgment of the measure. I do not think the measure is a right one. In that I express the judgment which I honestly entertain. I do not condemn his judgment; I do not make, and I do not desire to make, any personal imputations upon him in reference to a great public question.

*Mr. Weller.* Mr. President —

*Mr. Douglas.* I cannot allow my friend from California to come into the debate at this time, for this is my peculiar business. I may let him in after a while. I wish to examine the explanation of the senator from Ohio, and see whether I ought to accept it as satisfactory. He has quoted the language of the address. It is undeniable that that language clearly imputed to me the design of bringing forward this bill with a view of securing my own election to the Presidency. Then, by way of excusing himself for imputing to me such a purpose, the senator says that he does not consider it "an unworthy ambition"; and hence he says that, in making the charge, he does not impugn my motives. I must remind him that, in addition to that insinuation, he only said in the same address, that my bill was a "criminal betrayal of precious rights"; he only said it was "an atrocious plot against freedom and humanity"; he only said that it was "meditated bad faith"; he only spoke significantly of "servile demagogues"; he only called upon the preachers of the gospel and the people at their public meetings to denounce and resist such a monstrous iniquity. In saying all this, and much of the same sort, he now assures me, in the presence of the Senate, that he did not mean the charge to imply an "unworthy ambition"; that it was not intended as a "personal imputation" upon my motives or character; and that he meant "no personal disrespect" to me as the author of the measure. In reply, I will content myself with the remark, that there is a very wide difference of opinion between the senator from Ohio and myself in respect to the meaning of words, and especially in regard to the line of conduct which, in a public man, does not constitute an unworthy ambition.

*Mr. Sumner.* Will the senator from Illinois yield the floor to me for a moment?

*Mr. Douglas.* As I presume it is on the same point, I will hear the testimony.



*Mr. Sumner.* Mr. President, I shrink always instinctively from any effort to repel a personal assault. I do not recognize the jurisdiction of this body to try my election to the Senate; but I do state, in reply to the senator from Illinois, that if he means to suggest that I came into the body by any waiver of principles; by any abandonment of my principles of any kind; by any effort or activity of my own, in any degree, he states that which cannot be sustained by the facts. I never sought, in any way, the office which I now hold; nor was I a party, in any way, directly or indirectly, to those efforts which placed me here.

*Mr. Douglas.* I do not complain of my friend from California for interposing in the manner he has; for I see that it was very appropriate in him to do so. But, sir, the senator from Massachusetts comes up with a very bold front, and denies the right of any man to put him on defence for the manner of his election. He says it is contrary to his principles to engage in personal assaults. If he expects to avail himself of the benefit of such a plea, he should act in accordance with his professed principles, and refrain from assaulting the character and impugning the motives of better men than himself. Everybody knows that he came here by a coalition or combination between political parties holding opposite and hostile opinions. But it is not my purpose to go into the morality of the matters involved in his election. The public know the history of that notorious coalition, and have formed its judgment upon it. It will not do for the senator to say that he was not a party to it, for he thereby betrays a consciousness of the immorality of the transaction without acquitting himself of the responsibilities which justly attach to him. As well might the receiver of stolen goods deny any responsibility for the larceny, while luxuriating in the proceeds of the crime, as the senator to avoid the consequences resulting from the mode of his election, while he clings to the office. I must be permitted to remind him of what he certainly can never forget, that when he arrived here to take his seat for the first time, so firmly were senators impressed with the conviction that he had been elected by dishonorable and corrupt means, there were very few who, for a long time, could deem it consistent with personal honor to hold private intercourse with him. So general was that impression, that for a long time he was avoided and shunned as a person unworthy of the association of gentlemen. Gradually, however, these injurious impressions were worn away by his bland manners and amiable deportment; and I regret that the senator should now, by a violation of all the rules of courtesy and propriety, compel me to refresh his mind upon these unwelcome reminiscences.

Mr. President, I have done with these personal matters. I regret the necessity which compelled me to devote so much time to them. All I have done and said has been in the way of self-defence, as the Senate can bear me witness.

Mr. President, I have also occupied a good deal of time in exposing the cant of these gentlemen about the sanctity of the Missouri Compromise, and the dishonor attached to the violation of plighted faith. I have

exposed these matters in order to show that the object of these men is to withdraw from public attention the real principle involved in the bill. They well know that the abrogation of the Missouri Compromise is the incident and not the principle of the bill. They well understand that the report of the committee and the bill propose to establish the principle in all Territorial organizations, that the question of slavery shall be referred to the people to regulate for themselves, and that such legislation should be had as was necessary to remove all legal obstructions to the free exercise of this right by the people.

The eighth section of the Missouri act standing in the way of this great principle must be rendered inoperative and void, whether expressly repealed or not, in order to give the people the power of regulating their own domestic institutions in their own way, subject only to the Constitution.

Now, sir, if these gentlemen have entire confidence in the correctness of their own position, why do they not meet the issue boldly and fairly, and controvert the soundness of this great principle of popular sovereignty in obedience to the Constitution? They know full well that this was the principle upon which the colonies separated from the crown of Great Britain, the principle upon which the battles of the Revolution were fought, and the principle upon which our republican system was founded. They cannot be ignorant of the fact that the Revolution grew out of the assertion of the right on the part of the Imperial Government to interfere with the internal affairs and domestic concerns of the colonies.

Abolitionism proposes to destroy the right and extinguish the principle for which our forefathers waged a seven years' bloody war, and upon which our whole system of free government is founded. They not only deny the application of this principle to the Territories, but insist upon fastening the prohibition upon all the States to be formed out of those Territories. Therefore, the doctrine of the Abolitionists — the doctrine of the opponents of the Nebraska and Kansas Bill, and of the advocates of the Missouri restriction — demand Congressional interference with slavery, not only in the Territories, but in all the new States to be formed therefrom. It is the same doctrine, when applied to the Territories and new States of this Union, which the British Government attempted to enforce by the sword upon the American colonies. It is this fundamental principle of self-government which constitutes the distinguishing feature of the Nebraska bill. The opponents of the principle are consistent in opposing the bill. I do not blame them for their opposition. I only ask them to meet the issue fairly and openly, by acknowledging that they are opposed to the principle which it is the object of the bill to carry into operation. It seems that there is no power on earth, no intellectual power, no mechanical power, that can bring them to a fair discussion of the true issue. If they hope to delude the people and escape detection for any considerable length of time under the catch-words, "Missouri Compromise," and "faith of compacts," they will find that the people of this



country have more penetration and intelligence than they have given them credit for.

Mr. President, there is an important fact connected with this slavery resolution which should never be lost sight of. It has always arisen from one and the same cause. Whenever that cause has been removed, the agitation has ceased; and whenever the cause has been renewed, the agitation has sprung into existence. That cause is, and ever has been, the attempt on the part of Congress to interfere with the question of slavery in the Territories and new States formed therefrom. Is it not wise, then, to confine our action within the sphere of our legitimate duties, and leave this vexed question to take care of itself in each State and Territory, according to the wishes of the people thereof, in conformity to the forms and in subjection to the provisions of the Constitution?

The opponents of the bill tell us that agitation is no part of their policy, that their great desire is peace and harmony; and they complain bitterly that I should have disturbed the repose of the country by the introduction of this measure. Let me ask these professed friends of peace and avowed enemies of agitation, how the issue could have been avoided? They tell me that I should have let the question alone — that is, that I should have left Nebraska unorganized, the people unprotected, and the Indian barrier in existence, until the swelling tide of emigration should burst through, and accomplish by violence what it is the part of wisdom and statesmanship to direct and regulate by law. How long could you have postponed action with safety? How long could you maintain that Indian barrier, and restrain the onward march of civilization, Christianity, and free government by a barbarian wall? Do you suppose that you could keep that vast country a howling wilderness in all time to come, roamed over by hostile savages, cutting off all safe communication between our Atlantic and Pacific possessions? I tell you that the time for action has come, and cannot be postponed. It is a case in which the “let-alone” policy would precipitate a crisis which must inevitably result in violence, anarchy, and strife.

You cannot fix bounds to the onward march of this great and growing country. You cannot fetter the limbs of the young giant. He will burst all your chains. He will expand, and grow, and increase, and extend civilization, Christianity, and liberal principles. Then, sir, if you cannot check the growth of the country in that direction, is it not the part of wisdom to look the danger in the face, and provide for an event which you cannot avoid? I tell you, sir, you must provide for continuous lines of settlement from the Mississippi Valley to the Pacific Ocean. And in making this provision you must decide upon what principles the Territories shall be organized; in other words, whether the people shall be allowed to regulate their domestic institutions in their own way, according to the provisions of this bill, or whether the opposite doctrine of Congressional interference is to prevail. Postpone it, if you will; but whenever you do act, this question must be met and decided.

The Missouri Compromise was interference; the compromise of 1850

was non-interference, leaving the people to exercise their rights under the Constitution. The Committee on Territories were compelled to act on this subject. I, as their chairman, was bound to meet the question. I chose to take the responsibility, regardless of consequences personal to myself. I should have done the same thing last year, if there had been time; but we know, considering the late period at which the bill then reached us from the House, that there was not sufficient time to consider the question fully, and to prepare a report upon the subject. I was, therefore, persuaded by friends to allow the bill to be reported to the Senate, in order that such action might be taken as should be deemed wise and proper.

The bill was never taken up for action, the last night of the session having been exhausted in debate on the motion to take up the bill. This session the measure was introduced by my friend from Iowa [Mr. Dodge], and referred to the territorial committee during the first week of the session. We have abundance of time to consider the subject; it was a matter of pressing necessity, and there was no excuse for not meeting it directly and fairly. We were compelled to take our position upon the doctrine either of intervention or non-intervention. We chose the latter, for two reasons: first, because we believed that the principle was right; and, second, because it was the principle adopted in 1850, to which the two great political parties of the country were solemnly pledged.

There is another reason why I desire to see this principle recognized as a rule of action in all time to come. It will have the effect to destroy all sectional parties and sectional agitations. If, in the language of the report of the committee, you withdraw the slavery question from the halls of Congress and the political arena, and commit it to the arbitrament of those who are immediately interested in and alone responsible for its consequences, there is nothing left out of which sectional parties can be organized. It never was done, and never can be done, on the bank, tariff, distribution, or any other party issue which has existed, or may exist, after this slavery question is withdrawn from politics. On every other political question these have always supporters and opponents in every portion of the Union — in each State, county, village, and neighborhood — residing together in harmony and goodfellowship, and combating each other's opinions and correcting each other's errors in a spirit of kindness and friendship. These differences of opinion between neighbors and friends, and the discussions that grow out of them, and the sympathy which each feels with the advocates of his own opinions in every other portion of this widespread republic, adds an overwhelming and irresistible moral weight to the strength of the confederacy.

Affection for the Union can never be alienated or diminished by any other party issues than those which are joined upon sectional or geographical lines. When the people of the North shall all be rallied under one banner, and the whole South marshalled under another banner, and each section excited to frenzy and madness by hostility to the institutions of the other, then the patriot may well tremble for the perpetuity

of the Union. Withdraw the slavery question from the political arena, and remove it to the States and Territories, each to decide for itself, such a catastrophe can never happen. Then you will never be able to tell, by any senator's vote for or against any measure, from what State or section of the Union he comes.

Why, then, can we not withdraw this vexed question from politics? Why can we not adopt the principle of this bill as a rule of action in all new Territorial organizations? Why can we not deprive these agitators of their vocation, and render it impossible for senators to come here upon bargains on the slavery question? I believe that the peace, the harmony, and perpetuity of the Union require us to go back to the doctrines of the Revolution, to the principles of the Constitution, to the principles of the compromise of 1850, and leave the people, under the Constitution, to do as they may see proper in respect to their own internal affairs.

Mr. President, I have not brought this question forward as a Northern man or as a Southern man. I am unwilling to recognize such divisions and distinctions. I have brought it forward as an American senator, representing a State which is true to this principle, and which has approved of my action in respect to the Nebraska bill. I have brought it forward not as an act of justice to the South more than to the North. I have presented it especially as an act of justice to the people of those Territories, and of the States to be formed therefrom, now and in all time to come.

I have nothing to say about Northern rights or Southern rights. I know of no such divisions or distinctions under the Constitution. The bill does equal and exact justice to the whole Union, and every part of it; it violates the rights of no State or Territory, but places each on a perfect equality, and leaves the people thereof to the free enjoyment of all their rights under the Constitution.

Now, sir, I wish to say to our Southern friends, that if they desire to see this great principle carried out, now is their time to rally around it, to cherish it, preserve it, make it the rule of action in all future time. If they fail to do it now, and thereby allow the doctrine of interference to prevail, upon their heads the consequence of that interference must rest. To our Northern friends, on the other hand, I desire to say, that from this day henceforward, they must rebuke the slander which has been uttered against the South, that they desire to legislate slavery into the Territories. The South has vindicated her sincerity, her honor, on that point, by bringing forward a provision, negating, in express terms, any such effect as a result of this bill. I am rejoiced to know that, while the proposition to abrogate the eighth section of the Missouri act comes from a free State, the proposition to negative the conclusion that slavery is thereby introduced comes from a slaveholding State. Thus, both sides furnish conclusive evidence that they go for the principle, and the principle only, and desire to take no advantage of any possible misconstruction.

Mr. President, I feel that I owe an apology to the Senate for having occupied their attention so long, and a still greater apology for having

discussed the question in such an incoherent and desultory manner. But I could not forbear to claim the right of closing this debate. I thought gentlemen would recognize its propriety when they saw the manner in which I was assailed and misrepresented in the course of this discussion, and especially by assaults still more disreputable to some portions of the country. These assaults have had no other effect upon me than to give me courage and energy for a still more resolute discharge of duty. I say frankly that, in my opinion, this measure will be as popular at the North as at the South, when its provisions and principles shall have been fully developed and become well understood. The people at the North are attached to the principles of self-government; and you cannot convince them that that is self-government which deprives a people of the right of legislating for themselves, and compels them to receive laws which are forced upon them by a Legislature in which they are not represented. We are willing to stand upon this great principle of self-government everywhere; and it is to us a proud reflection that, in this whole discussion, no friend of the bill has urged an argument in its favor which could not be used with the same propriety in a free State as in a slave State, and *vice versa*. But no enemy of the bill has used an argument which would bear repetition one mile across Mason and Dixon's line. Our opponents have dealt entirely in sectional appeals. The friends of the bill have discussed a great principle of universal application, which can be sustained by the same reasons, and the same arguments, in every time and in every corner of the Union.



## SPEECH IN THE SENATE ON THE LECOMPTON CONSTITUTION

(Delivered March 22, 1857)

THE proposition offered by me to extend the Missouri Compromise line to the Pacific Ocean in the same sense and with the same understanding with which it was originally adopted, was agreed to by the Senate by a majority of twelve. When the bill was sent to the House of Representatives, that provision was stricken out, I think, by thirty-nine majority. By that vote the policy of separating free territory from slave territory by a geographical line was abandoned by the Congress of the United States. It is not my purpose on this occasion to inquire whether the policy was right or wrong; whether its abandonment at that time was wise or unwise; that is a question long since consigned to history, and I leave it to that tribunal to determine. I only refer to it now for the purpose of showing the view which I then took of the question. It will be seen, by reference to the votes in the Senate and House of Representatives, that Southern men in a body voted for the extension of the Missouri Compromise line, and a very large majority of the Northern men voted against it. The argument then made against the policy of a geographical line was one which upon principle it was difficult to answer. It was urged that if slavery was wrong north of the line, it could not be right south of the line; that if it was unwise, impolitic, and injurious on the one side, it could not be wise, politic, and judicious upon the other; that if the people should be left to decide the question for themselves on the one side, they should be entitled to the same privilege on the other. I thought these arguments were difficult to answer upon principle. The only answer urged was, that the policy had its origin in patriotic motives, in fraternal feeling, in that brotherly affection which ought to animate all the citizens of a common country; and that, for the sake of peace, and harmony, and concord, we ought to adhere to and preserve that policy. Under these considerations, I not only voted for it, but moved it, and lamented as much as any man in the country its failure, because that failure precipitated us into a sectional strife and agitation, the like of which had never before been witnessed in the United States, and which alarmed the wisest, the purest, and the best patriots in the land for the safety of the republic.

You all recollect the agitation which raged through this land from 1848 to 1850, and which was only quieted by the compromise measures of the latter year. You all remember how the venerable sage and patriot of Ashland was called forth from his retirement for the sole purpose of being

able to contribute, by his wisdom, by his patriotism, by his experience, by the weight of his authority, something to calm the troubled waters and restore peace and harmony to a distracted country. That contest waged fiercely, almost savagely, threatening the peace and existence of the Union, until at last, by the wise counsels of a Clay, a Webster, and a Cass, and the other leading spirits of the country, a new plan of conciliation and settlement was agreed upon, which again restored peace to the Union. The policy of a geographical line separating free territory from slave territory was abandoned by its friends only because they found themselves without the power to adhere to it, and carry it into effect in good faith. If that policy had been continued, if the Missouri line had been extended to the Pacific Ocean, there would have been an end to the slavery agitation forever — for on one side, as far west as the Continent extended, slavery would have been prohibited, while on the other, by legal implication, it would have been taken for granted that the institution of slavery would have existed and continued, and emigration would have sought the one side of the line or the other, as it preferred the one or the other class of domestic and social institutions. I confess, sir, that it was my opinion then, and is my opinion now, that the extension of that line would have been favorable to the South, so far as any sectional advantage would have been obtained, if it be an advantage to any section to extend its peculiar institutions. Southern men seemed so to consider it, for they voted almost unanimously in favor of that policy prohibiting slavery on one side, contented with a silent implication in its favor on the other. Northern representatives and senators seemed to take the same view of the subject, for a large majority of them voted against this geographical policy, and in lieu of it insisted upon a law prohibiting slavery everywhere within the Territories of the United States, north as well as south of the line; and not only in the Territories, but in the dock-yards, the navy-yards, and all other public places over which the Congress of the United States had exclusive jurisdiction.

Such, sir, was the state of public opinion, as evidenced by the acts of representatives and senators on the question of a geographical line by the extension of the Missouri Compromise, as it is called, from 1848 to 1850, which caused it to be abandoned, and the compromise measures of 1850 to be substituted in its place. Those measures are familiar to the Senate and to the country. They are predicated upon the abandonment of a geographical line, and upon the great principle of self-government in the Territories, and the sovereignty of the States over the question of slavery, as well as over all other matters of local and domestic concern. Inasmuch as the time-honored and venerated policy of a geographical line had been abandoned, the great leaders of the Senate, and the great commoners in the other House of Congress, saw no other remedy but to return to the true principles of the Constitution — to those great principles of self-government and popular sovereignty upon which all free institutions rest, and to leave the people of the Territories and of the States free to decide the slavery question, as well as all other questions, for themselves.



Mr. President, I am one of those who concurred cheerfully and heartily in this new line of policy marked out by the compromise measures of 1850. Having been compelled to abandon the former policy of a geographical line, for want of ability to carry it out, I joined with the great patriots to whom I have alluded, to calm and quiet the country by the adoption of a policy more congenial to my views of free institutions, not only for the purpose of healing and harmonizing the strife and controversy which then existed, but for the farther purpose of providing a rule of action in all time to come which would avoid sectional strife and sectional controversy in the future. It was one of the great merits of the compromise measures of 1850 — indeed, it was their chief merit — that they furnished a principle, a rule of action which should apply everywhere — north and south of  $36^{\circ} 30'$  — not only to the territory which we then had, but to all that we might afterward acquire, and thus, if that principle was adhered to, prevent any strife, any controversy, any sectional agitation in the future. The object was to localize, not to nationalize, the controversy in regard to slavery; to make it a question for each State and each Territory to decide for itself, without any other State, or any other Territory, or the Federal Government, or any outside power interfering, directly or indirectly, to influence or control the result.

My course upon those measures created at first great excitement, and I may say great indignation, at my own home, so that it became necessary for me to go before the people and vindicate my action. I made a speech at Chicago upon my return home, in which I stated the principles of the compromise measures of 1850 as I have now stated them here, and vindicated them to the best of my ability. It is enough to say that, upon sober reflection, the people of Illinois approved the course which I then pursued; and when the Legislature came together, they passed, with great unanimity, resolutions endorsing emphatically the principle of those measures.

In 1854, when it became necessary to organize the Territories of Kansas and Nebraska, the question arose, What principle was to apply to those Territories? It was true they both lay north of the line of  $36^{\circ} 30'$ ; but it was also true that, four years before, the policy of a geographical line had been abandoned and repudiated by the Congress of the United States, and in lieu of it the plan of leaving each Territory free to decide the question for itself had been adopted. I felt it to be my duty, as a senator from the State of Illinois, and I will say as a member of the Democratic party, to adhere in good faith to the principles of the compromise measures of 1850, and to apply them to Kansas and Nebraska, as well as to the other Territories. To show that I was bound to pursue this course, it is only necessary to refer to the public incidents of those times. In the Presidential election of 1852, the great political parties of that day each nominated its candidate for the Presidency upon a platform which endorsed the compromise measures of 1850, and both pledged themselves to carry them out in good faith in all future times in the organization of all new Territories. The Whig party adopted that platform at Baltimore, and placed General Scott, their candidate, upon it. The Democratic party adopted

a platform identical in principles, so far as this question was concerned, and elected General Pierce, President of the United States, upon it. Thus the Whig party and the Democratic party each stood pledged to apply this principle in the organization of all new Territories. Not only was I as a Democrat — as a senator who voted for their adoption — bound to apply their principle to this case, but, as a senator from Illinois, I was under an imperative obligation, if I desired to obey the will and carry out the wishes of my constituents, to apply the same principle.

Now, sir, the question arises whether the Lecompton Constitution, which has been presented here for our acceptance, is in accordance with this principle embodied in the compromise measures, and clearly defined in the organic act of Kansas. Have the people of Kansas been left perfectly free to form and regulate their domestic institutions in their own way, subject only to the Constitution? Is the Lecompton Constitution the act and deed of the people of Kansas? Does it embody their will? If not, you have no constitutional right to impose it upon them. If it does embody their will, if it is their act and deed, you have, then, a right to waive any irregularities that may have occurred, and receive the State into the Union. This is the main point, in my estimation, upon which the vote of the Senate and the House of Representatives ought to depend in the decision of the Kansas question. Now, is there a man within the hearing of my voice who believes that the Lecompton Constitution does embody the will of a majority of the *bona fide* inhabitants of Kansas? Where is the evidence that it does embody that will?

We are told that it was made by a convention assembled at Lecompton in September last, and has been submitted to the people for ratification or rejection. How submitted? In a manner that allowed every man to vote for it, but precluded the possibility of any man voting against it. We are told that there is a majority of about five thousand five hundred votes recorded in its favor under these circumstances. I refrain from going into the evidence which has been taken before the commission recently held in Kansas to show what proportion of these votes were fraudulent; but, supposing them all to have been legal, *bona fide* residents, what does that fact prove, when the people on that occasion were allowed only to vote for, and could not vote against, the Constitution? On the other hand, we have a vote of the people in pursuance of law, on the fourth of January last, when this Constitution was submitted by the Legislature to the people for acceptance or rejection, showing a majority of more than ten thousand against it. If you grant that both these elections were valid, if you grant that the votes were legal and fair, yet the majority is about two to one against this Constitution. Here is evidence to my mind conclusive that this Lecompton Constitution is not the embodiment of the popular will of Kansas. How is this evidence to be rebutted? By the assumption that the election on the twenty-first of December, where the voters were allowed to vote for it, but not against it, was a legal election; and that the election of the fourth of January, where the people were allowed to

vote for or against the Constitution as they chose, was not a legal and valid election.

Sir, where do you find your evidence of the legality of the election of the twenty-first of December? Under what law was that election held? Under no law except the decree of the Lecompton convention. Did that convention possess legislative power? Did it possess any authority to prescribe an election law? That convention possessed only such power as it derived from the Territorial Legislature in the act authorizing the assembling of the convention; and I submit that the same authority, the same power, existed in the Territorial Legislature to order an election on the fourth of January as existed in the convention to order one on the twenty-first of December. The Legislature had the same power over the whole subject on the seventeenth of December, when it passed a law for the submission of the Constitution to the people, that it had on the nineteenth of February, when it enacted the statute for the assembling of the convention.

The convention assembled under the authority of the Territorial Legislature alone, and hence was bound to conduct all its proceedings in conformity with, and in subordination to, the authority of the Legislature. The moment the convention attempted to put its Constitution into operation against the authority of the Territorial Legislature, it committed an act of rebellion against the Government of the United States. But we are told by the President that at the time the Territorial Legislature passed the law submitting the whole Constitution to the people, the Territory had been prepared for admission into the Union as a State. How prepared? By what authority prepared? Not by the authority of any act of Congress — by no other authority than that of the Territorial Legislature; and clearly a convention assembled under that authority could do no act to subvert the Territorial Legislature which brought the convention into existence.

But gentlemen assume that the organic act of the Territory was an enabling act; that it delegated to the Legislature all the power that Congress had to authorize the assembling of a convention. Although I dissent from this doctrine, I am willing, for the sake of the argument, to assume it to be correct; and if it be correct, to what conclusion does it lead us? It only substitutes the Territorial Legislature for the authority of Congress, and gives validity to the convention; and therefore the Legislature would have just the same right that Congress otherwise would have had, and no more, and no less. Suppose, now, that Congress had passed an enabling act, and a convention had been called, and a Constitution framed under it; but three days before that Constitution was to take effect, Congress should pass another act repealing the convention law, and submitting the Constitution to the vote of the people; would it be denied that the act of Congress submitting the Constitution would be a valid act? If Congress would have authority thus to interpose, and submit the Constitution to the vote of the people, it clearly follows that if the Legislature stood in the place of Congress, and was vested with the power which Congress had on

the subject, it had the same right to interpose, and submit this Constitution to the people for ratification or rejection.

Therefore, sir, if you judge this Constitution by the technical rules of law, it was voted down by an overwhelming majority of the people of Kansas, and it became null and void; and you are called upon now to give vitality to a void, rejected, repudiated Constitution. If, however, you set aside the technicalities of law, and approach it in the spirit of statesmanship, in the spirit of justice and of fairness, with an eye single to ascertain what is the wish and the will of that people, you are forced to the conclusion that the Lecompton Constitution does not embody that will.

Sir, we have heard the argument over and over again that the Lecompton convention was justified in withholding this Constitution from submission to the people, for the reason that it would have been voted down if it had been submitted to the people for ratification or rejection. We are told that there was a large majority of free-state men in the Territory, who would have voted down the Constitution if they had got a chance, and that is the excuse for not allowing the people to vote upon it. That is an admission that this Constitution is not the act and deed of the people of Kansas; that it does not embody their will; and yet you are called upon to give it force and vitality; to make it the fundamental law of Kansas with a knowledge that it is not the will of the people, and misrepresents their wishes. I ask you, sir, where is your right, under our principles of government, to force a Constitution upon an unwilling people? You may resort to all the evidence that you can obtain, from every source that you please, and you are driven to the same conclusion.

If further evidence were necessary to show that the Lecompton Constitution is not the will of the people of Kansas, you find it in the action of the Legislature of that Territory. On the first Monday in October an election took place for members of the Territorial Legislature. It was a severe struggle between the two great parties in the Territory. On a fair test, and at the fairest election, as is recorded on all hands, ever held in the Territory, a Legislature was elected. That Legislature came together and remonstrated, by an overwhelming majority, against this Constitution, as not being the act and deed of that people, and not embodying their will. Ask the late Governor of the Territory, and he will tell you that it is a mockery to call this the act and deed of the people. Ask the secretary of the Territory, ex-Governor Stanton, and he will tell you the same thing. I will hazard the prediction, that if you ask Governor Denver to-day, he will tell you, if he answers at all, that it is a mockery, nay, a crime, to attempt to enforce this Constitution as an embodiment of the will of that people. Ask, then, your official agents in the Territory; ask the Legislature elected by the people at the last election; consult the poll-books on a fair election held in pursuance of law; consult private citizens from there; consult whatever sources of information you please, and you get the same answer — that this Constitution does not embody the public will, is not the act and deed of the people, does not represent their wishes; and hence I deny your right, your authority, to make it their organic law.



If the Lecompton Constitution ever becomes the organic law of the State of Kansas, it will be the act of Congress that makes it so, and not the act or will of the people of Kansas.

This Constitution provides that after the year 1864 it may be changed by the Legislature by a two-thirds vote of each House, submitting to the people the question whether they will hold a convention for the purpose of amending the Constitution. I hold that, when a Constitution provides one time of change, by every rule of interpretation it excludes all other times; and when it prescribes one mode of change, it excludes all other modes. I hold that it is the fair intendment and interpretation of this Constitution that it is not to be changed until after the year 1864, and then only in the manner prescribed in the instrument. If it were true that this Constitution was the act and deed of the people of Kansas — if it were true that it embodied their will — I hold that such a provision against change for a sufficient length of time to enable the people to test its practical workings would be a wise provision, and not liable to objection. That people are not capable of self-government who cannot make a Constitution under which they are willing to live for a period of six years without change. I do not object that this Constitution cannot be changed until after 1864, provided you show me that it be the act and deed of the people, and embodies their will now. If it be not their act and deed, you have no right to fix it upon them for a day — not for an hour — not for an instant; for it is a violation of the great principle of free government to force it upon them.

The President of the United States tells us that he sees no objection to inserting a clause in the act of admission declaratory of the right of the people of Kansas, with the consent of the first Legislature, to change this Constitution, notwithstanding the provision which it contains that it shall not be changed until after the year 1864. Where does Congress get power to intervene and change a provision in the Constitution of a State? If this Constitution declares, as I insist it does, that it shall not be changed until after 1864, what right has Congress to intervene to alter or annul that provision prohibiting alteration? If you can annul one provision, you may another, and another, and another, until you have destroyed the entire instrument. I deny your right to annul; I deny your right to change, or even to construe the meaning of a single clause of this Constitution. If it be the act and deed of the people of Kansas, and becomes their fundamental law, it is sacred; you have no right to touch it, no right to construe it, no right to determine its meaning; it is theirs, not yours. You must take it as it is, or reject it as a whole; but put not your sacrilegious hands upon the instrument if it be their act and deed. Whenever this Government undertakes to construe State Constitutions and to recognize the right of the people of a State to act in a different manner from that provided in their Constitution; whenever it undertakes to give a meaning to a clause of a State Constitution, which that State has not given; whenever it undertakes to do that, and its right is acknowledged, farewell

to State rights, farewell to State sovereignty: your States become mere provinces, dependencies, with no more independence and no more rights than the counties of the different States. This doctrine, that Congress may intervene, and ainul, construe, or change a clause in a State Constitution, subverts the fundamental principles upon which our complex system of government rests.

Upon this point, the Committee on Territories, in the majority report, find themselves constrained to dissent from the doctrine of the President. They see no necessity, and, if I understand the report, no legal authority on the part of Congress to intervene and construe this or any other provision of the Constitution; but the distinguished gentleman who makes the report from the Committee on Territories has, in his own estimation, obviated all objection by finding a clause in the Constitution of Kansas which he thinks remedies the whole evil. It is in the Bill of Rights, and is in these words:

“All political power is inherent in the people, and all free Governments are founded on their authority, and instituted for their benefit; and, therefore, they have at all times an inalienable and indefeasible right to alter, reform, or abolish their form of government in such a manner as they may think proper.”

But, sir, this article from the Bill of Rights proves entirely too much. The President says you may put into this bill a clause recognizing the right of the people of Kansas to change their Constitution by the consent of the first Legislature. What does the Bill of Rights say? That it is the inalienable and indefeasible right of the people, at all times, to alter, abolish, or reform their form of government in such manner as they may think proper, not in such manner as the Legislature shall prescribe, nor at such time as the legislative authority or the existing government may provide, but in such manner as the people think proper in town meeting, in convention, through the Legislature, in popular assemblages, at the point of the bayonet, in any manner the people themselves may determine. That is the right and the nature of the right authorized by this Bill of Rights. It is the revolutionary remedy, not the lawful mode. There are two modes of changing the Constitution of a State — one lawful, the other revolutionary. The lawful mode is the one prescribed in the instrument. The revolutionary mode is one in violation of the instrument. The revolutionary mode may be peaceful or may be forcible; that depends on whether there is resistance. If a people are unanimous in favor of a change, if nobody opposes it, the revolutionary means may be a peaceful remedy; but if, in the progress of the revolution, while you are making the change, you meet with resistance, then it becomes civil war, treason, rebellion, if you fail, and a successful revolution if you succeed.

I say, then, the mode pointed out in the Bill of Rights is the revolutionary mode, and not the lawful means provided in the instrument; but if the Committee on Territories be right in saying that this is a lawful mode, then the recommendation of the President, that Congress should



recognize the right to do it by the first Legislature, violates this Constitution. Why? The President recommends us to recognize their rights through the Legislature, and in that mode alone. The Bill of Rights says the people shall do it in such manner as they please. If the construction given by the Committee on Territories be right, you dare not vote for the President's proposition to recognize the right of the first Legislature to do it, for you give a construction to the instrument in violation of its terms.

Mr. President, I come back to the question, Ought we to receive Kansas into the Union with the Lecompton Constitution? Is there satisfactory evidence that it is the act and deed of that people — that it embodies their will? Is the evidence satisfactory that the people of that Territory have been left perfectly free to form and regulate their domestic institutions in their own way? I think not. I do not acknowledge the propriety, or justice, or force of that special pleading which attempts, by technicalities, to fasten a Constitution upon a people which, it is admitted, they would have voted down if they had had a chance to do so, and which does not embody their will. Let me ask gentlemen from the South, if the case had been reversed, would they have taken the same view of the subject? Suppose it were ascertained, beyond doubt or cavil, that three-fourths of the people of Kansas were in favor of a slaveholding State, and a convention had been assembled by just such means and under just such circumstances as brought the Lecompton Convention together; and suppose that when it assembled it was ascertained that three-fourths of the convention were Free-soilers, while three-fourths of the people were in favor of a slaveholding State; suppose an election took place in the Territory during the sitting of the convention, which developed the fact that the convention did not represent the people; suppose that convention of Free-soilers had proceeded to make a Constitution and allowed the people to vote for it, but not against it, and thus forced a Free-soil Constitution upon a slaveholding people against their will — would you, gentlemen from the South, have submitted to the outrage? Would you have come up here and demanded that the Free-soil Constitution, adopted at an election where all the affirmative votes were received, and all the negative votes rejected, for the reason that it would have been voted down if the negative votes had been received, should be accepted? Would you have said that it was fair, that it was honest, to force an Abolition Constitution on a slaveholding people against their will? Would you not have come forward and have said to us that you denied that it was the embodiment of the public will, and demanded that it should be sent back to the people to be voted upon, so as to ascertain the fact? Would you not have said to us that you were willing to live up to the principle of the Nebraska bill, to leave the people perfectly free to form such institutions as they please; and that, if we would only send that Constitution back and let the people have a fair vote upon it, you would abide the result? Suppose we, being a Northern majority, had said to you, "No; we have secured

a sectional advantage, and we intend to hold it; and we will force this Constitution upon an unwilling people merely because we have the power to do it"; would you have said that was fair?

If you admit Kansas with the Lecompton Constitution, you also admit her with the State Government which has been brought into existence under it. Is the evidence satisfactory that that State Government has been fairly and honestly elected? Is the evidence satisfactory that the elections were fairly and honestly held, and fairly and honestly returned? You have all seen the evidence showing the fraudulent voting; the forged returns, from precinct after precinct, changing the result not only upon the legislative ticket, but also upon the ticket for Governor and State officers. The false returns in regard to Delaware Crossing, changing the complexion of the Legislature, are admitted. The evidence is equally conclusive as to the Shawnee precinct, the Oxford precinct, the Kickapoo precinct, and many others, making a difference of some three thousand votes in the general aggregate, and changing the whole result of the election. Yet, sir, we are called upon to admit Kansas with the State Government thus brought into existence not only by fraudulent voting, but forged returns, sustained by perjury. The Senate well recollects the efforts that I made before the subject was referred to the committee, and since, to ascertain to whom the certificates of election were awarded, that we might know whether they were given to the men honestly elected, or to the men whose elections depended upon forgery and perjury. Can any one tell me now to whom those certificates have been issued, if they have been issued at all? Can any man tell me whether we are installing, by receiving this State Government, officers whose sole title depends upon forgery, or those whose title depends upon popular votes? We have been calling for that information for about three months, but we have called in vain. One day the rumor would be that Mr. Calhoun would declare the free-state ticket elected, and next day that he would declare the pro-slavery ticket elected. So it has alternated, like the chills and fever, day after day, until within the last three days, when the action of Congress became a little dubious, when it was doubtful whether Northern men were willing to vote for a State Government depending upon forgery and perjury, and then we find that the president of the Lecompton convention addresses a letter to the editor of *The Star*, a newspaper in this city, telling what he thinks is the result of the election. He says it is true that he has received no answer to his letters of inquiry to Governor Denver; he has no official information on the subject; but, from rumors and unofficial information, he is now satisfied that the Delaware Crossing return was a fraud; that it will be set aside; and that, accordingly, the result will be that certificates will be issued to the free-state men. I do not mean to deny that Mr. Calhoun may think such will be the result; but, while he may think so, I would rather know how the fact is. His thoughts are not important, but the fact is vital in establishing the honesty or dishonesty of the State Government which we are about to recognize. It

so happens that Mr. Calhoun has no more power, no more authority over that question now than the senator from Missouri, or any other member of this body. The celebrated Lecompton schedule provides that,

"In case of removal, ABSENCE, or disability of the president of this convention to discharge the duties herein imposed on him, the president *pro tempore* of this convention shall perform said duties; and in case of absence, refusal, or disability of the president *pro tempore*, a committee consisting of seven, or a majority of them, shall discharge the duties required of the president of this convention."

As Mr. Calhoun is absent from the Territory, and, by reason of that absence, is deprived of all authority over the subject-matter, and as the president *pro tempore* has succeeded to his powers, is it satisfactory for the deposed president to address a letter to the editor of *The Star* announcing his private opinion as to who has been elected? I should like to know who the president *pro tempore* is, and where he is; and if he is in Kansas, whether he has arrived at the same conclusion which the ex-president Calhoun has announced. I should like to know whether that president *pro tempore* has already issued his certificate to the pro-slavery men in Kansas, while Mr. Calhoun expresses the opinion in *The Star* that the certificates will be issued to the free-state men? If that president *pro tempore* has become a fugitive from justice, and escaped from the Territory, I should like then to know who are the committee of seven that were to take his place; and whether they, or a majority of them, have arrived at the same conclusion to which Mr. Calhoun has come? Inasmuch as this opinion is published to the world just before the vote is to be taken here, and is expected to catch the votes of some green members of one body or the other, I should like to know whether certificates have been issued? and, if so, by whom, and to whom? where the president *pro tempore* is? where the committee of seven may be found? and then we might know who constitute the Legislature, and who constitute the State Government which we are to bring into being. We are not only to admit Kansas with a Constitution, but with a State Government; with a Governor, a Legislature, a judiciary; with executive, legislative, judicial, and ministerial officers. Inasmuch as we are told by the President that the first Legislature may take steps to call a convention to change the Constitution, I should like to know of whom that Legislature is composed? Inasmuch as the Governor would have the power to veto an act of the Legislature calling a convention, I should like to know who is Governor, so that I may judge whether he would veto such an act? Cannot our good friends get the president *pro tempore* of the convention to write a letter to *The Star*? Can they not procure a letter from the committee of seven? Can they not clear up this mystery, and relieve our suspicious minds of any thing unfair or foul in the arrangement of this matter? Let us know how the fact is.

This publication of itself is calculated to create more apprehension than there was before. As long as Mr. Calhoun took the ground that he would never declare the result until Lecompton was admitted, and that, if it was

not admitted, he would never make the decision, there seemed to be some reason in his course; but when, after taking that ground for months, it became understood that Lecompton was dead, or was lingering and languishing, and likely to die, and when a few more votes were necessary, and a pretext was necessary to be given in order to secure them, we find this letter published by the deposed ex-president, giving his opinion when he had no power over the subject; and when it appears by the Constitution itself that another man or another body of men has the decision in their hands, it is calculated to arouse our suspicions as to what the result will be after Lecompton is admitted.

Mr. President, in the course of the debate on this bill, before I was compelled to absent myself from the Senate on account of sickness (and I presume the same has been the case during my absence), much was said on the slavery question in connection with the admission of Kansas. Many gentlemen have labored to produce the impression that the whole opposition to the admission arises out of the fact that the Lecompton Constitution makes Kansas a slave State. I am sure that no gentleman here will do me the injustice to assert or suppose that my opposition is predicated on that consideration, in view of the fact that my speech against the admission of Kansas under the Lecompton Constitution was made on the ninth of December, two weeks before the vote was taken upon the slavery clause in Kansas, and when the general impression was that the pro-slavery clause would be excluded. I predicated my opposition then, as I do now, upon the ground that it was a violation of the fundamental principles of government, a violation of popular sovereignty, a violation of the Democratic platform, a violation of all party platforms, and a fatal blow to the independence of the new States. I told you then, that you had no more right to force a free-state Constitution upon a people against their will, than you had to force a slave-state Constitution. Will gentlemen say, that, on the other side, slavery has no influence in producing that united, almost unanimous support which we find from gentlemen living in one section of the Union in favor of the Lecompton Constitution? If slavery had nothing to do with it, would there have been so much hesitation about Mr. Calhoun's declaring the result of the election prior to the vote in Congress? I submit, then, whether we ought not to discard the slavery question altogether, and approach the real question before us fairly, calmly, dispassionately, and decide whether, but for the slavery clause, this Lecompton Constitution could receive a single vote in either house of Congress. Were it not for the slavery clause, would there be any objection to sending it back to the people for a vote? Were it not for the slavery clause, would there be any objection to letting Kansas wait until she had ninety thousand people, instead of coming into the Union with not over forty-five or fifty thousand? Were it not for the slavery question, would Kansas have occupied any considerable portion of our thoughts? would it have divided and distracted political parties so as to create bitter and acrimonious feelings? I say, now, to our Southern friends, that I will act, on this question on the right of the people to decide for themselves, irrespective of the



fact whether they decide for or against slavery, provided it be submitted to a fair vote at a fair election, and with honest returns.

In this connection there is another topic to which I desire to allude. I seldom refer to the course of newspapers, or notice the articles which they publish in regard to myself; but the course of *The Washington Union* has been so extraordinary for the last two or three months, that I think it well enough to make some allusion to it. It has read me out of the Democratic party every other day, at least, for two or three months, and keeps reading me out; and, as if it had not succeeded, still continues to read me out, using such terms as "traitor," "renegade," "deserter," and other kind and polite epithets of that nature. Sir, I have no vindication to make of my Democracy against *The Washington Union*, or any other newspaper. I am willing to allow my history and action for the last twenty years to speak for themselves as to my political principles and my fidelity to political obligations. *The Washington Union* has a personal grievance. When its editor was nominated for public printer I declined to vote for him, and stated that at some time I might give my reasons for doing so. Since I declined to give that vote, this scurrilous abuse, these vindictive and constant attacks, have been repeated almost daily on me. Will my friend from Michigan read the article to which I allude?

[Mr. Stuart read the editorial article from *The Washington Union* of November 17, 1857.]

*Mr. Douglas.* Mr. President, you here find several distinct propositions advanced boldly by *The Washington Union* editorially and apparently authoritatively, and every man who questions any of them is denounced as an Abolitionist, a Free-soiler, a fanatic. The propositions are, first, that the primary object of all government at its original institution is the protection of person and property; second, that the Constitution of the United States declares that the citizens of each State shall be entitled to all the privileges and immunities of citizens in the several States; and that, therefore, thirdly, all State laws, whether organic or otherwise, which prohibit the citizens of one State from settling in another with their slave property, and especially declaring it forfeited, are direct violations of the original intention of the Government and Constitution of the United States; and, fourth, that the emancipation of the slaves of the Northern States was a gross outrage on the rights of property, inasmuch as it was involuntarily done on the part of the owners.

Remember that this article was published in *The Union* on the seventeenth of November, and on the eighteenth appeared the first article giving the adhesion of *The Union* to the Lecompton Constitution.

The proposition is advanced that the emancipation acts of New York, of New England, of Pennsylvania, and of New Jersey, were unconstitutional, were outrages upon the right of property, were violations of the Constitution of the United States. The proposition is advanced that a Southern man has a right to move from South Carolina, with his negroes, into Illinois, to settle there and hold them there as slaves, anything in

the Constitution and laws of Illinois to the contrary notwithstanding. The proposition is, that a citizen of Virginia has rights in a free State which a citizen of a free State cannot himself have. We prohibit ourselves from holding slaves within our own limits, and yet, according to this doctrine, a citizen of Kentucky can move into our State, bring in one hundred slaves with him, and hold them as such in defiance of the Constitution and laws of our own State. If that proposition is true, the creed of the Democratic party is false. The principle of the Kansas-Nebraska bill is, that "each State and each Territory shall be left perfectly free to form and regulate its domestic institutions in its own way, subject only to the Constitution of the United States." I claim that Illinois has the sovereign right to prohibit slavery, a right as undeniable as that the sovereignty of Virginia may authorize its existence. We have the same right to prohibit it that you have to recognize and protect it. Each State is sovereign within its own sphere of powers, sovereign in respect to its own domestic and local institutions and internal concerns. So long as you regulate your local institutions to suit yourselves, we are content; but when you claim the right to override our laws and our Constitution, and deny our right to form our institutions to suit ourselves, I protest against it. The same doctrine is asserted in this Lecompton Constitution. There it is stated that the right of property in slaves is "before and higher than any constitutional sanction."

Mr. President, I recognize the right of the slaveholding States to regulate their local institutions, to claim the services of their slaves under their own State laws, and I am prepared to perform each and every one of my obligations under the Constitution of the United States in respect to them; but I do not admit, and I do not think they are safe in asserting, that their right of property in slaves is higher than and above constitutional sanction, is independent of constitutional obligations. When you rely upon the Constitution and upon your own laws, you are safe. When you go beyond and above constitutional obligations, I know not where your safety is. If this doctrine be true, that slavery is higher than the Constitution, and above the Constitution, it necessarily follows that a State cannot abolish it, cannot prohibit it, and the doctrine of *The Washington Union*, that the emancipation laws were outrages on the rights of property and violations of the Constitution, becomes the law.

When I saw that article in *The Union* of the seventeenth of November, followed by the glorification of the Lecompton Constitution on the eighteenth of November, and this clause in the Constitution asserting the doctrine that no State has a right to prohibit slavery within its limits, I saw that there was a fatal blow being struck at the sovereignty of the States of this Union, a death-blow to State rights, subversive of the Democratic platform and of the principles upon which the Democratic party have ever stood, and upon which I trust they ever will stand. Because of these extraordinary doctrines, I declined to vote for the editor of *The Washington Union* for public printer, and for that refusal, as I suppose, I have been read out of the party by the editor of *The Union* at least every other day



from that time to this. Sir, I submit the question: Who has deserted the Democratic party and the Democratic platform — he who stands by the sovereign rights of the State to abolish and prohibit slavery as it pleases, or he who attempts to strike down the sovereignty of the States, and combine all power in one central Government, and establish an empire instead of a confederacy?

The principles upon which the Presidential campaign of 1856 was fought are well known to the country. At least in Illinois I think I am authorized to state that they were with clearness and precision, so far as the slavery question is concerned. The Democracy of Illinois are prepared to stand on the platform upon which the battle of 1856 was fought. It was,

First. The migration or importation of negroes into the country having been prohibited since 1808, never again to be renewed, each State will take care of its own colored population.

Second. That while negroes are not citizens of the United States, and hence not entitled to political equality with whites, they should enjoy all the rights, privileges, and immunities which they are capable of exercising, consistent with the safety and welfare of the community where they live.

Third. That each State and Territory must judge and determine for itself of the nature and extent of its rights and privileges.

Fourth. That while each free State should and will maintain and protect all the rights of the slaveholding States, they will, each for itself, maintain and defend its sovereign right within its own limits to form and regulate their own domestic institutions in their own way, subject only to the Constitution of the United States.

Fifth. That in the language of Mr. Buchanan's letter of acceptance of the Presidential nomination, the Nebraska-Kansas Act does no more than give the form of law to this elementary principle of self-government when it declares "that the people of a Territory, like those of a State, shall decide for themselves whether slavery shall or shall not exist within their limits."

These were the general propositions on which we maintained the canvass on the slavery question — the right of each State to decide for itself; that a negro should have such rights as he was capable of enjoying, and could enjoy, consistently with the safety and welfare of society; and that each State should decide for itself the nature, and extent, and description of those rights and privileges. Hence, if you choose in North Carolina to have slaves, it is your business, and not ours. If we choose in Illinois to prohibit slavery, it is our right, and you must not interfere with it. If New York chooses to give privileges to the negro which we withhold, it is her right to extend them, but she must not attempt to force us to do the same thing. Let each State take care of its own affairs, mind its own business, and let its neighbors alone, then there will be peace in the country. Whenever you attempt to enforce uniformity, and, judging that a peculiar institution is good for you, and therefore good for everybody else, try to enforce it on everybody, you will find that there will be resistance to the demand. Our Government was not formed on the idea

that there was to be uniformity of local laws or local institutions. It was founded upon the supposition that there must be diversity and variety in the institutions and laws. Our fathers foresaw that the local institutions which would suit the granite hills of New Hampshire would be ill adapted to the rice plantations of South Carolina. They foresaw that the institutions which would be well adapted to the mountains and valleys of Pennsylvania would not suit the plantation interests of Virginia. They foresaw that the great diversity of climate, of production, of interests, would require a corresponding diversity of local laws and local institutions. For this reason they provided for thirteen separate States, each with a separate Legislature, and each State sovereign within its own sphere, with the right to make all its local laws and local institutions to suit itself, on the supposition that they would be as different and as diversified as the number of States themselves. Then the general Government was made, with a Congress having limited and specified powers, extending only to those subjects which were national and not local, which were federal and not State.

I do not recognize the right of the President or his cabinet, no matter what my respect may be for them, to tell me my duty in the Senate Chamber. The President has his duties to perform under the Constitution, and he is responsible to his constituency. A senator has his duties to perform here under the Constitution and according to his oath, and he is responsible to the sovereign State which he represents as his constituency. A member of the House of Representatives has his duties under the Constitution and his oath, and he is responsible to the people that elected him. The President has no more right to prescribe tests to senators than senators have to the President; the President has no more right to prescribe tests to the representatives than the representatives have to the President. Suppose we here should attempt to prescribe a test of faith to the President of the United States, would he not rebuke our impertinence and impudence as subversive of the fundamental principle of the Constitution? Would he not tell us that the Constitution, and his oath, and his conscience were his guides; that we must perform our duties, and he would perform his, and let each be responsible to his own constituency?

Sir, whenever the time comes that the President of the United States can change the allegiance of the senators from the States to himself, what becomes of the sovereignty of the States? When the time comes that a senator is to account to the executive and not to his State, whom does he represent? If the will of my State is one way and the will of the President is the other, am I to be told that I must obey the executive and betray my State, or else be branded as a traitor to the party, and hunted down by all the newspapers that share the patronage of the Government? and every man who holds a petty office in any part of my State to have the question put to him, "Are you Douglas's enemy? If not, your head comes off"? Why? "Because he is a recreant senator; because he chooses to follow his judgment and his conscience, and represent his State instead of obeying

my executive behest." I should like to know what is the use of Congresses; what is the use of Senates and Houses of Representatives, when their highest duty is to obey the executive in disregard of the wishes, rights, and honor of their constituents? What despotism on earth would be equal to this, if you establish the doctrine that the executive has a right to command the votes, the consciences, the judgment of the senators and of the representatives, instead of their constituents? In old England, whose oppressions we thought intolerable, an administration is hurled from power in an hour when voted down by the representatives of the people upon a Government measure. If the rule of old England applied here, this cabinet would have gone out of office when the Army Bill was voted down, the other day, in the House of Representatives. There, in that monarchical country, where they have a queen by divine right, and lords by the grace of God, and where Republicanism is supposed to have but a slight foothold, the representatives of the people can check the throne, restrain the Government, change the ministry, and give a new direction to the policy of the Government, without being accountable to the King or the Queen. There the representatives of the people are responsible to their constituents. Across the Channel, under Louis Napoleon, it may be otherwise; yet I doubt whether it would be so boldly proclaimed there that a man is a traitor for daring to vote according to his sense of duty, according to the will of his State, according to the interests of his constituents.

For my own part, Mr. President, come what may, I intend to vote, speak, and act according to my own sense of duty so long as I hold a seat in this chamber. I stand firmly, immovably upon those great principles of self-government and State sovereignty upon which the campaign was fought and the election won. I stand by the time-honored principles of the Democratic party, illustrated by Jefferson and Jackson — those principles of State rights, of State sovereignty, of strict construction, on which the great Democratic party has ever stood. I will stand by the Constitution of the United States, with all its compromises, and perform all my obligations under it. I will stand by the American Union as it exists under the Constitution. If, standing firmly by my principles, I shall be driven into private life, it is a fate that has no terrors for me. I prefer private life, preserving my own self-respect and manhood, to abject and servile submission to executive will. If the alternative be private life or servile obedience to executive will, I am prepared to retire. Official position has no charms for me when deprived of that freedom of thought and action which becomes a gentleman and a senator.

## LETTER TO GOVERNOR MATTESON ON INTERNAL IMPROVEMENTS

WASHINGTON, January 2d, 1854.

SIR, — I learn from the public press that you have under consideration the proposition to convene the Legislature in special session. In the event such a step shall be demanded by the public voice and necessities, I desire to invite your attention to a subject of great interest to our people, which may require legislative action. I refer to the establishment of some efficient and permanent system for river and harbor improvements. Those portions of the Union most deeply interested in internal navigation naturally feel that their interests have been neglected, if not paralyzed, by an uncertain, vacillating, and partial policy. Those who reside upon the banks of the Mississippi, or on the shores of the great Northern Lakes, and whose lives and property are frequently exposed to the mercy of the elements for want of harbors of refuge and means of safety, have never been able to comprehend the force of that distinction between fresh and salt water, which affirms the power and duty of Congress, under the Constitution, to provide security to navigation so far as the tide ebbs and flows, and denies the existence of the right beyond the tidal mark. Our lawyers may have read in English books that, by the common law, all waters were deemed navigable so far as the tide extended and no farther; but they should also have learned from the same authority that the law was founded upon reason, and where the reason failed the rule ceased to exist. In England, where they have neither lake nor river, nor other water which is, in fact, navigable, except where the tide rolls its briny wave, it was natural that the law should conform to the fact, and establish that as a rule which the experience of all men proved to be founded in truth and reason. But it may well be questioned whether, if the common law had originated on the shores of Lake Michigan — a vast inland sea with an average depth of six hundred feet — it would have been deemed “not navigable,” merely because the tide did not flow, and the water was fresh and well adapted to the uses and necessities of man. We therefore feel authorized to repudiate, as unreasonable and unjust, all injurious discrimination predicated upon salt water and tidal arguments, and to insist that if the power of Congress to protect navigation has any existence in the Constitution, it reaches every portion of this Union where the water is in fact navigable, and only ceases where the fact fails to exist. This power has been affirmed in some form, and exercised to a greater or less extent, by each successive Congress and every administration since the



adoption of the Federal Constitution. All acts of Congress providing for the erection of lighthouses, the placing of buoys, the construction of piers, the removal of snags, the dredging of channels, the inspection of steam-boat boilers, the carrying of life-boats, — in short, all enactments for the security of navigation, and the safety of life and property within our navigable waters, assert the existence of this power and the propriety of its exercise in some form.

The great and growing interest of navigation is too important to be overlooked or disregarded. Mere negative action will not answer. The irregular and vacillating policy which has marked our legislation upon this subject is ruinous. Whenever appropriations have been proposed for river and harbor improvements, and especially on the Northern lakes and the Western rivers, there has usually been a death-struggle and a doubtful issue. We have generally succeeded with an appropriation once in four or five years; in other words, we have, upon an average, been beaten about four times out of five in one house of Congress or the other, or both, or by the Presidential veto. When we did succeed, a large portion of the appropriation was expended in providing dredging-machines and snag-boats and other necessary machinery and implements; and by the time the work was fairly begun, the appropriation was exhausted, and further operations suspended. Failing to procure an additional appropriation at the next session, and perhaps for two, three, or four successive sessions, the administration has construed the refusal of Congress to provide the funds for the prosecution of the works into an abandonment of the system, and has accordingly deemed it a duty to sell at public auction the dredging-machines and snag-boats, implements and materials on hand, for whatever they would bring. Soon the country was again startled by the frightful accounts of wrecks and explosions, fires and snags upon the rivers, the lakes, and the sea-coast. The responsibility of these appalling sacrifices of life and property were charged upon those who defeated the appropriations for the prosecution of the works. Sympathy was excited, and a concerted plan of agitation and organization formed by the interested sections and parties to bring their combined influence to bear upon Congress in favor of the reëstablishment of the system on an enlarged scale, sufficiently comprehensive to embrace the local interests and influences in a majority of the Congressional districts of the Union. A legislative omnibus was formed, in which all sorts of works were crowded together, good and bad, wise and foolish, national and local, all crammed into one bill, and forced through Congress by the power of an organized majority, after the fearful and exhausting struggle of a night session. The bill would receive the votes of a majority in each House, not because any one senator or representative approved all the items contained in it, but for the reason that humanity, as well as the stern demands of an injured and suffering constituency, required that they should make every needful sacrifice of money to diminish the terrible loss of human life by the perils of navigation. The result was a simple reënactment of the former scenes. Machinery, implements, and materials purchased, the works recommenced

—the money exhausted—subsequent appropriations withheld—and the operations suspended, without completing the improvements, or contributing materially to the safety of navigation. Indeed, it may well be questioned whether, as a general rule, the money has been wisely and economically applied, and in many cases whether the expenditure has been productive of any useful results beyond the mere distribution of so much money among contractors, laborers, and superintendents in the favored localities; and in others, whether it has not been of positive detriment to the navigating interest.

I see no hope for any more favorable results from national appropriations than we have heretofore realized. If, then, we are to judge the system by its results, taking the past as a fair indication of what might reasonably be expected in the future, those of us who have struggled hardest to render it efficient and useful are compelled to confess that it has proven a miserable failure. It is even worse than a failure, because, while it has failed to accomplish the desired objects, it has had the effect to prevent local and private enterprise from making the improvements under State authority, by holding out the expectation that the Federal Government was about to make them.

Let the history of internal improvements by the Federal Government be fairly written, and it will furnish conclusive answers to these interrogatories. For more than a quarter of a century the energies of the national Government, together with all the spare funds in the treasury, were directed to the construction of a macadamized road from Cumberland, in the State of Maryland, to Jefferson City, in the State of Missouri, without being able to complete one-third of the work. If the Government was unable to make three hundred miles of turnpike road in twenty-five years, how long would it take to construct a railroad to the Pacific Ocean, and to make all the harbor and river improvements necessary to protect our widely-extended and rapidly-increasing commerce on a sea-coast so extensive that in forty years we have not been able to complete even the survey of one-half of it, and on a lake and river navigation more than four times as extensive as that sea-coast? These questions are worthy of the serious consideration of those who think that improvements should be made for the benefit of the present generation as well as for our remote posterity; for I am not aware that the Federal Government ever completed any work of internal improvement commenced under its auspices.

The operations of the Government have not been sufficiently rapid to keep pace with the spirit of the age. The Cumberland Road, when commenced, may have been well adapted for the purposes for which it was designed; but after the lapse of a quarter of a century, and before any considerable portion of it could be finished, the whole was superseded and rendered useless by the introduction of the railroad system.

I repeat that the policy heretofore pursued has proved worse than a



failure. If we expect to provide facilities and securities for our navigating interests, we must adopt a system commensurate with our wants — one which will be just and equal in its operations upon lake, river, and ocean, wherever the water is navigable, fresh or salt, tide or no tide — a system which will not depend for its success upon the dubious and fluctuating issues of political campaigns and Congressional combinations — one which will be certain, uniform, and unvarying in its results. I know of no system better calculated to accomplish these objects than that which commanded the approbation of the founders of the republic, was successively adopted on various occasions since that period, and directly referred to in the message of the President. It is evidently the system contemplated by the framers of the Constitution when they incorporated into that instrument the clause in relation to tonnage duties by the States with the assent of Congress. The debates show that this provision was inserted for the express purpose of enabling the States to levy duties of tonnage to make harbor and other improvements for the benefit of navigation. It was objected that the power to regulate commerce having already been vested exclusively in Congress, the jurisdiction of the States over harbor and river improvements, without the consent or supervision of the Federal Government, might be so exercised as to conflict with the Congressional regulations in respect to commerce. In order to avoid this objection, and at the same time reserve to the States the power of making the necessary improvements, consistent with such rules as should be prescribed by Congress for the regulation of commerce, the provision was modified and adopted in the form in which we now find it in the Constitution, to wit: *"no State shall lay duties of tonnage except by the consent of Congress."* It is evident from the debates that the framers of the Constitution looked to tonnage duties as the source from which funds were to be derived for improvements in navigation. The only diversity of opinion among them arose upon the point whether those duties should be levied and the works constructed by the Federal Government or under State authority. These doubts were solved by the clause quoted, providing, in effect, that while the power was reserved to the States, it should not be exercised except by the consent of Congress, in order that the local legislation for the improvement of navigation might not conflict with the general enactments for the regulation of commerce. Yet the first Congress which assembled under the Constitution commenced that series of contradictory and partial enactments which has continued to the present time, and proven the fruitful source of conflict and dissension.

The first of these acts provided that all expenses for the support of light-houses, beacons, buoys, and public piers should be paid out of the national treasury, on the condition that the States in which the same should be situated respectively should cede to the United States the said works, "together with the lands and tenements thereunto belonging, and together with the jurisdiction of the same." A few months afterward the same Congress passed an act consenting that the States of Rhode Island, Maryland, and Georgia might levy tonnage duties for the purpose of improving

certain harbors and rivers within their respective limits. This contradictory legislation upon a subject of great national importance, although commenced by the first Congress, and frequently suspended and renewed at uncertain and irregular periods, seems never to have been entirely abandoned. While appropriations from the national treasury have been partial and irregular — sometimes granted and at others withheld — stimulating hopes only to be succeeded by disappointments, tonnage duties have also been collected by the consent of Congress, at various times and for limited periods, in Pennsylvania, Maryland, Virginia, North Carolina, South Carolina, Georgia, Alabama, Massachusetts, Rhode Island, and perhaps other States. Indeed, there has never been a time, since the Declaration of Independence, when tonnage duties have not been collected under State authority for the improvement of rivers or harbors, or both. The last act giving the consent of Congress to the collection of these duties was passed for the benefit of the port of Baltimore in 1850, and will not expire until 1861.

Thus it will be seen that the proposition to pass a general law giving the consent of Congress to the imposition of tonnage duties according to a uniform rule, and upon equal terms in all the States and Territories of the Union, does not contemplate the introduction of a new principle into our legislation upon this subject. It only proposes to convert a partial and fluctuating policy into a permanent and efficient system.

If this proposition should receive the sanction of Congress, and be carried into successful operation by the States, it would withdraw river and harbor improvements from the perils of the political arena, and commit them to the fostering care of the local authorities, with a steady and unceasing source of revenue for their prosecution. The system would be plain, direct, and simple in respect to harbor improvements. Each town and city would have charge of the improvement of its own harbor, and would be authorized to tax its own commerce to the extent necessary for its construction. The money could be applied to no other object than the improvement of the harbor, and no higher duties could be levied than were necessary for that purpose. There would seem to be no danger of the power being abused; for, in addition to the restrictions, limitations, and conditions which should be embraced in the laws conferring the consent of Congress, self-interest will furnish adequate and ample assurances and motives for the faithful execution of the trusts. If any town whose harbor needs improvement should fail to impose the duties and make the necessary works, such neglect would inevitably tend to drive the commerce to some rival port, which would use all the means in its power to render its harbor safe and commodious, and afford all necessary protection and facilities to navigation and trade. If, on the other hand, any place should attempt to impose higher duties than will be absolutely necessary for the construction of the requisite improvements, this line of policy, to the extent of the excess, would have the same deleterious effects upon its prosperity. The same injurious influences would result from errors and blunders in the plan of the work, or from extravagance and corruption in the expenditure of

the money. Hence each locality, and every citizen and person interested therein, would have a direct and personal interest in the adoption of a wise plan, and in securing strict economy and entire fidelity in the expenditure of the money. While upon the rivers the plan of operations would not be so direct and simple as in the improvement of harbors, yet even there it is not perceived that any serious inconvenience or obstacle would arise to the success of the system. It would be necessary that the law, which shall grant the consent of Congress to the imposition of the duties, shall also give a like consent in conformity with the same provision of the Constitution, that where the river to be improved shall form the boundary of, or be situated in two or more States, such States may enter into compacts with each other, by which they may, under their joint authority, levy the duties and improve the navigation.

In this manner Pennsylvania, Delaware, and New Jersey could enter into a compact for the improvement of the Delaware River, by which each would appoint one commissioner, and the three commissioners constitute a board, which would levy the duties, prescribe the mode of their collection, devise the plan of the improvement, and superintend the expenditure of the money. The six States bordering on the Ohio River, in like manner, could each appoint a commissioner, and the six constitute a board for the improvement of the navigation of that river from Pittsburg to the Mississippi. The same plan could be applied to the Mississippi, by which the nine States bordering upon that stream could each appoint one commissioner, and the nine form a board for the removal of snags and other obstructions in the channel from the Falls of St. Anthony to the Gulf of Mexico. There seems to be no difficulty, therefore, in the execution of the plan where the water-course lies in two or more States, or forms the boundary thereof in whole or in part; and where the river is entirely within the limits of any one State, like the Illinois or Alabama, it may be improved in such manner as the Legislature may prescribe, subject only to such conditions and limitations as may be contained in the act of Congress giving its consent. All the necessities and difficulties upon this subject seem to have been foreseen and provided for in the same clause of the Constitution, wherein it is declared, in effect, that, with the consent of Congress, tonnage duties may be levied for the improvement of rivers and harbors, and that the several States may enter into compacts with each other for that purpose whenever it shall become necessary, subject only to such rules as Congress shall prescribe for the regulation of commerce.

It only remains for me to notice some of the objections which have been urged to this system. It has been said that tonnage duties are taxes upon the commerce of the country, which must be paid in the end by the consumers of the articles bearing the burden. I do not feel disposed to question the soundness of this proposition. I presume the same is true of all the duties, tolls, and charges upon all public works, whether constructed by Government or individuals. The State of New York derives a revenue of more than two millions of dollars a year from her canals. Of course this

is a tax upon the commerce of the country, and is borne by those who are interested in and benefited by it. This tax is a blessing or a burden, dependent upon the fact whether it has the effect to diminish or increase the cost of transportation. If we could not have enjoyed the benefit of the canal without the payment of the tolls, and if, by its construction and the payment, the cost of transportation has been reduced to one-tenth the sum which we would have been compelled to have paid without it, who would not be willing to make a still further contribution to the security and facilities of navigation, if thereby the price of freights is to be reduced in a still greater ratio? The tolls upon our own canal are a tax upon commerce, yet we cheerfully submit to the payment for the reason that they were indispensable to the construction of a great work, which has had the effect to reduce the cost of transportation between the Lakes and the Mississippi far below what it would have been if the canal had not been made. All the charges on the fourteen thousand miles of railroad now in operation in the different States of this Union are just so many taxes upon commerce and travel, yet we do not repudiate the whole railroad system on that account, nor object to the payment of such reasonable charges as are necessary to defray the expenses of constructing and operating them. But it may be said that if all the railroads and canals were built with funds from the national treasury, and were then thrown open to the uses of commerce and travel free of charge, the rates of transportation would be less than they now are. It may be that the rates of transportation would be less, but would our taxes be reduced thereby? No matter who is intrusted with the construction of the works, somebody must foot the bill. If the Federal Government undertake to make railroads and canals, and river and harbor improvements, somebody must pay the expenses. In order to meet this enlarged expenditure, it would be necessary to augment the revenue by increased taxes upon the commerce of the country. The whole volume of revenue which now fills and overflows the national treasury, with the exception of the small item resulting from the sales of public lands, is derived from a system of taxes imposed upon commerce and collected through the machinery of the custom-houses. No matter, therefore, whether these works are made by the Federal Government, or by stimulating and combining local and individual enterprise under State authority; in any event, they remain a tax upon commerce to the extent of the expenditure.

That system which will insure the construction of the improvements upon the best plan and at the smallest cost will prove the least oppressive to the tax-payer and the most useful to commerce. It requires no argument to prove — for every day's experience teaches us — that public works of every description can be made at a much smaller cost by private enterprise, or by the local authorities directly interested in the improvement, than when constructed by the Federal Government. Hence, inasmuch as the expenses of constructing river and harbor improvements must, under either plan, be defrayed by a tax upon commerce in the first instance, and finally upon the whole people interested in that commerce,



I am of the opinion that the burdens would be less under this system referred to in the message than by appropriations from the federal treasury.

In conclusion, I will state that my object in addressing you this communication is to invite your special attention to so much of the President's Message as relates to river and harbor improvements, with the view that when the Legislature shall assemble, either in special or general session, the subject may be distinctly submitted to their consideration for such action as the great interests of commerce may demand.

I have the honor to be, very respectfully, your friend and fellow-citizen,

S. A. DOUGLAS.

JOEL A. MATTESON, Governor of the State of Illinois.



## SPEECH IN THE SENATE ON THE PACIFIC RAILWAY

(Delivered April 17, 1858)

VARIOUS objections have been raised to this bill, some referring to the route, involving sectional consideration; others to the form of the bill; others to the present time as inauspicious for the construction of such a railroad under any circumstances. Sir, I have examined this bill very carefully. I was a member of the committee that framed it, and I gave my cordial assent to the report. I am free to say that I think it is the best bill that has ever been reported to the Senate of the United States for the construction of a Pacific railroad. I say this with entire disinterestedness, for I have heretofore reported several myself, and I believe I have invariably been a member of the committees that have reported such bills. I am glad to find that we have progressed to such an extent as to be able to improve on the former bills that have, from time to time, been brought before the Senate of the United States. This may not be perfect. It is difficult to make human legislation entirely perfect; at any rate, to so construct it as to bring about an entire unanimity of opinion upon a question that involves, to some extent, selfish, sectional, and partisan considerations. But, sir, I think this bill is fair. First, it is fair in the location of the route, as between the different sections. The termini are fixed. Then the route between the termini is to be left to the contractors and owners of the road, who are to put their capital into it, and, for weal or for woe, are to be responsible for its management.

What is the objection to these termini? San Francisco, upon the Pacific, is not only central, but it is the great commercial mart, the great concentrating point, the great *entrepôt* for the commerce of the Pacific, not only in the present, but in the future. That point was selected as the western terminus for the reason that there seemed to be a unanimous sentiment that whatever might be the starting-point on the east, the system would not be complete until it should reach the city of San Francisco on the west. I suggested, myself, in the committee, the selection of that very point; not that I had any objection to other points; not that I was any more friendly to San Francisco and her inhabitants than to any other port on the Pacific; but because I believe that to be the commanding port, the large city where trade concentrates, and its position indicated it as the proper terminus on the Pacific Ocean.

Then, in regard to the eastern terminus, a point on the Missouri River is selected for various reasons. One is, that it is central as between the North and South — as nearly central as could be selected. It was necessary to

commence on the Missouri River, if you were going to take a central route, in order that the starting-point might connect with navigation, so that you might reach it by boats in carrying your iron, your supplies, and your materials for the commencement and the construction of the road. It was essential that you should commence at a point of navigation so that you could connect with the sea-board. If you start it at a point back in the interior five hundred or a thousand miles — as it is proposed, at El Paso — from the navigable waters of the Mississippi, it would cost you more money to carry the iron, provisions, supplies, and men to that starting-point, than it would to make a road from the Mississippi to the starting-point, in order to begin the work. In that case it would be a matter of economy to make a road to your starting-point in order to begin. Hence, in my opinion, it would be an act of folly to think of starting a railroad to the Pacific at a point eight hundred or a thousand miles in the interior, away from any connection with navigable water, or with other railroads already in existence.

For these reasons, we agreed in the bill to commence on the Missouri River. When you indicate that river, a little diversity of opinion arises as to what point on the river shall be selected. There are various respectable, thriving towns on either bank of the river, each of which thinks it is the exact position where the road ought to commence. I suppose that Kansas City, Wyandotte, Weston, Leavenworth, Atchison, Plattsmouth city, Omaha, De Soto, Sioux City, and various other towns whose names have not become familiar to us, and have found no resting-place on the map, each thinks that it has the exact place where the road should begin. Well, sir, I do not desire to show any preference between these towns; either of them would suit me very well; and we leave it to the contractors to say which shall be the one. We leave the exact eastern terminus open for the reason that the public interests will be substantially as well served by the selection of one as another. It is not so at the western terminus. San Francisco does not occupy that relation to the towns on the Pacific coast that these little towns on the Missouri River do to the country east of the Missouri. The public have no material interest in the question whether it shall start at the mouth of the Kansas, at Weston, at Leavenworth, at St. Joseph, at Plattsmouth, or at Sioux City. Either connects with the great lines; either would be substantially central as between North and South. So far as I am concerned, I should not care a sixpence which of those towns was selected as the starting-point, because they start there upon a plain that stretches for eight hundred miles, and can connect with the whole railroad system of the country. You can go directly west. You can bend to the north and connect with the northern roads, or bend to the south and connect with the southern roads.

The senator from Georgia [Mr. Iverson] would be satisfied, as I understand, with the termini, if we had selected one intermediate point, so as to indicate the route that should be taken between the termini. I understand that he would be satisfied if we should indicate that it should go south of Santa Fé, so as to include as the probable line the Albuquerque route, or

the one on the thirty-fifth parallel, or the one south of it. Sir, I am free to say that, individually, I should have no objection to the route indicated by the senator from Georgia. I have great faith that the Albuquerque route is an exceedingly favorable one; favorable in its grades, in the shortness of its distances, in its climate, the absence of deep snow, and in the topography of the country. While it avoids very steep grades, it furnishes, perhaps, as much of grass, of timber, of water, of materials necessary for the construction and repair of the road, if not more, than any other route. As a Northern man, living upon the great line of the lakes, you cannot indicate a route that I think would subserve our interests, and the great interests of this country, better than that; yet, if I expressed the opinion that the line ought to go on that route between the termini, some other man would say it ought to go on Governor Stevens's extreme northern route; some one else would say it ought to go on the South Pass route; and we should divide the friends of the measure as to the point at which the road should pass the mountains — whether at the extreme north, at the centre, the Albuquerque route, or the further southern one down in Arizona — and we should be unable to decide between ourselves which was best.

I have sometimes thought that the extreme northern route, known as the Stevens route, was the best, as furnishing better grass, more timber, more water, more of those elements necessary in constructing, repairing, operating, and maintaining a road, than any other. I think now that the preference, merely upon routes, is between the northern or Stevens route on the one side, and the Albuquerque route on the other. Still, as I never expect to put a dollar of money into the road, as I never expect to have any agency or connection with or interest in it, I am willing to leave the selection of the route between the termini to those who are to put their fortunes and connect their character with the road, and to be responsible in the most tender of all points, if they make a mistake in the selection. But for these considerations, I should have cheerfully yielded to the suggestion of the senator from Georgia to fix the crossing-point on the Rio Grande River.

But, sir, I am unwilling to lose this great measure merely because of a difference of opinion as to what shall be the pass selected in the Rocky Mountains through which the road shall run. I believe it is a great national measure. I believe it is the greatest practical measure now pending before the country. I believe that we have arrived at that period in our history when our great substantial interests require it. The interests of commerce, the great interests of travel and communication — those still greater interests that bind the Union together, and are to make and preserve the continent as one and indivisible — all demand that this road shall be commenced, prosecuted, and completed at the earliest practicable moment.

I am unwilling to postpone the bill until next December. I have seen these postponements from session to session for the last eight or ten years, with the confident assurance every year that at the next session we should have abundance of time to take up the bill and act upon it. Sir, will you

be better prepared at the next session than now? We have now the whole summer before us, drawing our pay, and proposing to perform no service. Next December you will have but ninety days, with all the unfinished business left over, your appropriation bills on hand, and not only the regular bills, but the new deficiency bill; and you will postpone this measure again for the want of time to consider it then. I think, sir, we had better grapple with the difficulties that surround this question now, when it is fairly before us, when we have time to consider it, and when I think we can act upon it as dispassionately, as calmly, as wisely, as we shall ever be able to do.

I have regretted to see the question of sectional advantages brought into this discussion. If you are to have but one road, fairness and justice would plainly indicate that that one should be located as near the centre as practicable. The Missouri River is as near the centre and the line of this road is as near as it can be made; and if there is but one to be made, the route now indicated, in my opinion, is fair, is just, and ought to be taken. I have heretofore been of the opinion that we ought to have three roads: one in the centre, one in the extreme south, and one in the extreme north. If I thought we could carry the three, and could execute them in any reasonable time, I would now adhere to that policy and prefer it; but I have seen enough here during this session of Congress to satisfy me that but one can pass, and to ask for three at this time is to lose the whole. Believing that that is the temper, that that is the feeling, and, I will say, the judgment of the members of both houses of Congress, I prefer to take one road rather than to lose all in the vain attempt to get three. If there were to be three, of course the one indicated in this bill would be the central; one would be north of it, and another south of it. But if there is to be but one, the central one should be taken; for the north, by bending a little down south, can join it; and the south, by leaning a little to the north, can unite with it too; and our Southern friends ought to be able to bend and lean a little as well as to require us to bend and lean all the time, in order to join them. The central position is the just one, if there is to be but one road. The concession should be as much on the one side as on the other. I am ready to meet gentlemen half way on every question that does not violate principle, and they ought not to ask us to meet them more than half way where there is no principle involved, and nothing but expediency.

Then, sir, why not unite upon this bill? We are told it is going to involve the Government of the United States in countless millions of expenditure. How is that? Certainly not under this bill, not by authority of this bill, not without violating this bill. The bill under consideration provides that when a section of the road shall be made, the Government may advance a portion of the lands, and \$12,500 per mile in bonds on the section thus made, in order to aid in the construction of the next, holding a lien upon the road for the refunding of the money thus advanced. Under this bill it is not possible that the contractors can ever obtain more than \$12,500 per mile on each mile of the road that is completed. It is, therefore, very easy to compute the cost to the Government. Take the length of the road in miles, and multiply it by \$12,500, and you have the cost.



If you make the computation, you will find it will come to a fraction over \$20,000,000. The limitation in the bill is, that in no event shall it exceed \$25,000,000. Therefore, by the terms of the bill, the undertaking of the Government is confined to \$25,000,000; and, by the calculation, it will be less than that sum. Is that a sum that would bankrupt the treasury of the United States?

I predict to you now, sir, that the Mormon campaign has cost, and has led to engagements and undertakings that, when redeemed, will cost more than \$25,000,000, if not double that sum. During the last six months, on account of the Mormon rebellion, expenses have been paid and undertakings have been assumed which will cost this Government more than the total expenditure which can possibly be made in conformity with the provisions of this bill. If you had had this railroad made you would have saved the whole cost which the Government is to advance in this little Mormon war alone. If you have a general Indian war in the mountains, it will cost you twice the amount called for by this bill. If you should have a war with a European power, the construction of this road would save many fold its cost in the transportation of troops and munitions of war to the Pacific Ocean, in carrying on your operations.

In an economical point of view I look upon it as a wise measure. It is one of economy as a war measure alone, or as a peace measure for the purpose of preventing a war. Whether viewed as a war measure, to enable you to check rebellion in a Territory, or hostilities with the Indians, or to carry on vigorously a war with a European power, or viewed as a peace measure, it is a wise policy, dictated by every consideration of convenience and public good.

Again, sir, in carrying the mails, it is an economical measure. As the senator from Georgia has demonstrated, the cost of carrying the mails alone to the Pacific Ocean for thirty years, under the present contracts, is double the amount of the whole expenditure under this bill for the same time in the construction and working of the road. In the transportation of mails, then, it would save twice its cost. The transportation of army and navy supplies would swell the amount to three or four fold. How many years will it be before the Government will receive back, in transportation, the whole cost of this advance of aid in the construction of the road?

But, sir, some gentlemen think it is an unsound policy, leading to the doctrine of internal improvements by the Federal Government within the different States of the Union. We are told we must continue the road to the limits of the Territories, and not extend it into the States, because it is supposed that entering a State with this contract violates some great principle of State-rights. Mr. President, the committee considered that proposition, and they avoided that objection in the estimation of the most strict, rigid, tight-laced State-rights men that we have in the body. We struck out the provision in the bill first drawn, that the President should contract for the construction of a railroad from the Missouri River to the Pacific Ocean, and followed an example that we found on the statute-book for carrying the mails from Alexandria to Richmond, Virginia — an act passed



about the time when the resolutions of 1798 were adopted, and the report of 1799 was made — an act that we thought came exactly within the spirit of those resolutions. That act, according to my recollection, was, that the Department be authorized to contract for the transportation of the United States mail by four-horse post-coaches, with closed backs, so as to protect it from the weather and rain, from Alexandria to Richmond, in the State of Virginia. It occurred to this committee that if it had been the custom, from the beginning of this Government to this day, to make contracts for the transportation of the mails in four-horse post-coaches, built in a particular manner, and the contractor left to furnish his own coaches and his own horses, and his own means of transportation, we might make a similar contract for the transportation of the mails by railroad from one point to another, leaving the contractor to make his own railroad, and furnish his own cars, and comply with the terms of the contract.

There is nothing in this bill that violates any one principle which has prevailed in every mail contract that has been made, from the days of Dr. Franklin down to the elevation of James Buchanan to the Presidency. Every contract for carrying the mail by horse, from such a point to such a point, in saddle-bags, involves the same principle. Every contract for carrying it from such a point to such a point in two-horse hacks, with a covering to protect it from the storm, involves the same principle. Every contract to carry it from such a point to such a point in four-horse coaches of a particular description, involves the same principle. You contracted to carry the mails from New York to Liverpool in ships of two thousand tons each, to be constructed according to a model prescribed by the Navy Department, leaving the contractor to furnish his own ships, and receive so much pay. That involves the same principle.

You have, therefore, carried out the principle of this bill in every contract you have ever had for mails, whether it be upon the land or upon the water. In every mail contract you have had, you have carried out the identical principle involved in this bill — simply the right to contract for the transportation of the United States mails, troops, munitions of war, army and navy supplies, at fair prices, in the manner you prescribed, leaving the contracting party to furnish the mode and means of transportation. That is all there is in it. I do not see how it can violate any party creed; how it can violate any principle of State-rights; how it can interfere with any man's conscientious scruples. Then, sir, where is the objection?

If you look on this as a measure of economy and a commercial measure, the argument is all in favor of the bill. It is true, the senator from Massachusetts has suggested that it is idle to suppose that the trade of China is to centre in San Francisco, and then pay sixty dollars a ton for transportation across the continent by a railroad to Boston. It was very natural that he should indicate Boston, as my friend from Georgia might, perhaps, have thought of Savannah, or my friend from South Carolina might have indicated Charleston, or the senator from Louisiana might have indicated New Orleans. But I, living at the head of the great lakes, would have

made the computation from Chicago, and my friend from Missouri would have thought it would have been very well, perhaps, to take it from St. Louis. When you are making this computation, I respectfully submit you must make the calculation from the sea-board to the centre of the continent, and not charge transportation all the way from the Atlantic to the Pacific; for suppose you do not construct this road, and these goods come by ship to Boston, it will cost something to take them by railroad to Chicago, and a little more to take them by railroad to the Missouri River, half way back to San Francisco again. If you select the centre of the continent, the great heart and centre of the Republic — the Mississippi Valley — as the point at which you are to concentrate your trade, and from which it is to diverge, you will find that the transportation of it by railroad would not be much greater from San Francisco than from Boston. It would be nearly the same from the Pacific that it is from the Atlantic; and the calculation must be made in that point of view. There is the centre of consumption, and the centre of those great products that are sent abroad in all quarters to pay for articles imported. The centre of production, the centre of consumption, the future centre of the population of the continent, is the point to which, and from which, your calculation should be made.

Then, sir, if it costs sixty dollars per ton for transportation from San Francisco to Boston by railroad, half way you may say it will cost thirty dollars a ton. The result, then, of coming from San Francisco to the centre by railroad would be to save transportation by ship from San Francisco to Boston, in addition to the railroad transportation into the interior.

But, sir, I dissent from a portion of the gentleman's argument, so far as it relates to the transportation even from San Francisco to Boston. I admit that heavy articles of cheap value and great bulk would go by ship, that being the cheapest mode of communication; but light articles, costly articles, expensive articles, those demanded immediately, and subject to decay from long voyages and delays, would come directly across by railroad, and what you would save in time would be more than the extra expense of the transportation. You must add to that the risk of the tropics, which destroys many articles; and the process which is necessary to be gone through with to prepare articles for the sea-voyage is to be taken into the account. I have had occasion to witness that evil in one article of beverage very familiar to you all. Let any man take one cup of tea that came from China to Russia overland, without passing twice under the equator, and he will never be reconciled to a cup of tea that has passed under the equator. The genuine article, that has not been manipulated and prepared to pass under the equator, is worth tenfold more than that which we receive here. Preparation is necessary to enable it to pass the tropics, and the long, damp voyage makes as much difference in the article of tea as the difference between a green apple and a dried apple, green corn and dried corn, sent abroad. So you will find it to be with fruits; so it will be with all the expensive and precious articles, and especially those

liable to decay and to injury, either by exposure to a tropical climate or to the moisture of a long sea-voyage.

Then, sir, in a commercial point of view, this road will be of vast importance. There is another consideration that I will allude to for a moment. It will extend our trade more than any other measure that you can devise, certainly more than any one that you now have in contemplation. The people are all anxious for the annexation of Cuba as soon as it can be obtained on fair and honorable terms — and why? In order to get the small, pitiful trade of that island. We all talk about the great importance of Central America in order to extend our commerce; it is valuable to the extent it goes. But Cuba, Central America, and all the islands surrounding them put together, are not a thousandth part of the value of the great East India trade that would be drawn first to our western coast, and then across to the Valley of the Mississippi, if this railroad be constructed. Sir, if we intend to extend our commerce — if we intend to make the great ports of the world tributary to our wealth, we must prosecute our trade eastward or westward, as you please; we must penetrate the Pacific, its islands, and its continent, where the great mass of the human family reside — where the articles that have built up the powerful nations of the world have always come from. That is the direction in which we should look for the expansion of our commerce and of our trade. That is the direction our public policy should take — a direction that is facilitated by the great work now proposed to be made.

I care not whether you look at it in a commercial point of view, as a matter of administrative economy at home, as a question of military defence, or in reference to the building up of the national wealth, and power, and glory; it is the great measure of the age — a measure that in my opinion has been postponed too long — and I frankly confess to you that I regard the postponement to next December to mean till after the next Presidential election. No man hopes or expects, when you have not time to pass it in the early spring, at the long session, that you are going to consider it at the short session. When you come here at the next session, the objection will be that you must not bring forward a measure of this magnitude, because it will affect the political relations of parties, and it will be postponed then, as it was two years ago, to give the glory to the incoming administration, each party probably thinking that it would have the honor of carrying out the measure. Hence, sir, I regard the proposition of postponement till December to mean till after the election of 1860.

I desire to see all the pledges made in the last contest redeemed during this term, and let the next President, and the parties under him, redeem the pledges and obligations assumed during the next campaign. The people of all parties at the last Presidential election decreed that this road was to be made. The question is now before us. We have time to consider it. We have all the means necessary, as much now as we can have at any other time. The senator from Massachusetts intimates that, the treasury being bankrupt now, we cannot afford the money. That senator also remarked that we were just emerging from a severe commercial crisis — a

great commercial revulsion — which had carried bankruptcy in its train. If we have just emerged from it, if we have passed it, this is the very time of all others when a great enterprise should be begun. It might have been argued when we saw that crisis coming, before it reached us, that we should furl our sails and trim our ships for the approaching storm; but when it has exhausted its rage, when all the mischief has been done that could be inflicted, when the bright sun of day is breaking forth, when the sea is becoming calm, and there is but little visible of the past tempest, when the nausea of sea-sickness is succeeded by joyous exhilaration, inspired by the hope of a fair voyage, let men feel elated and be ready to commence a great work like this, so as to complete it before another commercial crisis or revulsion shall come upon us.

Sir, if you pass this bill, no money can be expended under it until one section of the road has been made. The surveys must be completed, the route must be located, the land set aside and surveyed, and a section of the road made, before a dollar can be drawn from the treasury. If you can pass the bill now, it cannot make any drain on the treasury for at least two years to come; and who doubts that all the effects of the late crisis will have passed away before the expiration of those two years.

Mr. President, this is the auspicious time, either with a view to the interests of the country, or to that stagnation which exists between political parties, which is calculated to make it a measure of the country rather than a partisan measure, or to the commercial and monetary affairs of the nation, or with reference to the future. Look upon it in any point of view, now is the time; and I am glad that the senator from Louisiana has indicated, as I am told he has, that the motion for postponement is a test question; for I confess I shall regard it as a test vote on a Pacific railroad during this term, whatever it may be in the future. I hope that we shall pass the bill now.



## LAST SPEECH IN CONGRESS — FINAL PLEA FOR THE UNION

(Delivered in the Senate, January 3, 1861)

MR. PRESIDENT: No act of my public life has ever caused me so much regret as the necessity of voting in the special committee of thirteen for the resolution reporting to the Senate our inability to agree upon a general plan of adjustment which would restore peace to the country and insure the integrity of the Union. If we wish to understand the real causes which have produced such widespread and deep-seated discontent in the slaveholding States, we must go back beyond the recent Presidential election, and trace the origin and history of the slavery agitation from the period when it first became an active element in Federal politics. Without fatiguing the Senate with tedious details, I may be permitted to assume, without the fear of successful contradiction, that whenever the Federal Government has attempted to decide and control the slavery question in the newly acquired Territories, regardless of the wishes of the inhabitants, alienation of feeling, sectional strife, and discord have ensued; and whenever Congress has refrained from such interference, harmony and fraternal feeling have been restored. The whole volume of our nation's history may be confidently appealed to in support of this proposition. The most memorable instances are the fearful sectional controversies which brought the Union to the verge of disruption in 1820 and again in 1850. It was the Territorial question in each case which presented the chief points of difficulty, because it involved the irritating question of the relative political power of the two sections. All the other questions, which entered into and served to increase the slavery agitation, were deemed of secondary importance, and dwindled into insignificance so soon as the Territorial question was definitely settled.

From the period of the organization of the Federal Government, under the Constitution in 1789, down to 1820, all the Territorial Governments had been organized on the basis of non-interference by Congress with the domestic institutions of the people. During that period several new Territories were organized, including Tennessee, Louisiana, Missouri, and Alabama. In no one of the Territories did Congress attempt to interfere with the question of slavery, either to introduce or exclude, protect or prohibit it. During all this period there was peace and good-will between the people of all parts of the Union, so far as the question of slavery was concerned.

But the first time Congress ever attempted to interfere with and



control that question regardless of the wishes of the people interested in it, the Union was put in jeopardy, and was only saved from dissolution by the adoption of the compromise of 1820. In the famous Missouri controversy, the majority of the North demanded that Congress should prohibit slavery forever in all the territory acquired from France, extending from the State of Louisiana to the British possessions on the north, and from the Mississippi to the Rocky Mountains. The South, and the conservative minority of the North, on the contrary, stood firm upon the ground of non-intervention, denying the right of Congress to touch the subject. They did not ask Congress to interfere for protection, nor for any purpose, while they opposed the right and justice of exclusion. Thus, each party, with their respective positions distinctly defined — the one for, the other against, Congressional intervention — maintained its position with desperate persistency, until disunion seemed inevitable, when a compromise was effected by an equitable partition of the territory between the two sections on the line of  $36^{\circ} 30'$ , prohibiting slavery on the one side and permitting it on the other.

In the adoption of this compromise, each party yielded one half of its claim for the sake of the Union. It was designed to form the basis of perpetual peace on the slavery question, by establishing a rule in accordance with which all future controversy would be avoided. The line of partition was distinctly marked so far as our territory might extend, and by irresistible inference, the spirit of the compromise required the extension of the line on the same parallel whenever we should extend our Territorial limits. The North and the South — although each was dissatisfied with the terms of the settlement, each having surrendered one half of its claim — by common consent agreed to acquiesce in it, and abide by it as a permanent basis of peace on the slavery question. It is true, that there were a few discontented spirits in both sections who attempted to renew the controversy from time to time; but the deep Union feeling prevailed, and the masses of the people were disposed to stand by the settlement as the surest means of averting future difficulties.

Peace was restored, fraternal feeling returned, and we were a happy and united people so long as we adhered to, and carried out in good faith, the Missouri Compromise, according to its spirit as well as its letter. In 1845, when Texas was annexed to the Union, the policy of an equitable partition, on the line of  $36^{\circ} 30'$ , was adhered to, and carried into effect by the extension of the line so far westward as the new acquisition might reach. It is true, there was much diversity of opinion as to the propriety and wisdom of annexing Texas. In the North the measure was opposed by large numbers upon the distinct ground that it was enlarging the area of slave territory within the Union; and in the South it probably received much additional support for the same reason; but, while it may have been opposed and supported, in some degree, north and south, from these considerations, no considerable number in either section objected to it upon the ground that it extended and carried out the policy of the Missouri Compromise. The objection was solely to the acquisition of the country,

and not to the application of the Missouri Compromise to it, if acquired. No fair-minded man could deny that every reason that induced the adoption of the line in 1820 demanded its extension through Texas, and every new acquisition, whenever we enlarged our territorial possessions in that direction. No man would have been deemed faithful to the obligations of the Missouri Compromise at that day, who was opposed to its application to future acquisitions.

The record shows that Texas was annexed to the Union upon the express condition that the Missouri Compromise should be extended, and made applicable to the country, so far as our new boundaries might reach. The history of that acquisition will show that I not only supported the annexation of Texas, but that I urged the necessity of applying the Missouri Compromise to it, for the purpose of extending it through New Mexico and California to the Pacific Ocean, whenever we should acquire those Territories, as a means of putting an end to the slavery agitation forever.

The annexation of Texas drew after it the war with Mexico, and the treaty of peace left us in possession of California and New Mexico. This large acquisition of new territory was made the occasion for renewing the Missouri controversy. The agitation of 1849-50 was a second edition of that of 1819-20. It was stimulated by the same motives, aiming at the same ends, and enforced by the same arguments. The Northern majority invoked the intervention of Congress to prohibit slavery everywhere in the Territories of the United States, — both sides of the Missouri line, — south as well as north of  $36^{\circ} 30'$ . The South together with a conservative minority in the North, stood firmly upon the ground of non-intervention, denying the right of Congress to interfere with the subject, but avowing a willingness, in the spirit of concession, for the sake of peace and the Union, to adhere to and carry out the policy of an equitable partition on the line of  $36^{\circ} 30'$  to the Pacific Ocean, in the same sense in which it was adopted in 1820, and according to the understanding when Texas was annexed in 1845. Every argument and reason, every consideration of patriotism and duty, which induced the adoption of the policy in 1820, and its application to Texas in 1845, demanded its application to California and New Mexico in 1848. The peace of the country, the fraternal feelings of all its parts, the safety of the Union, all were involved.

Under these circumstances, as Chairman of the Committee on Territories, I introduced into the Senate the following proposition, which was adopted by a vote of thirty-three to twenty-one in the Senate, but rejected in the House of Representatives:

“That the line of  $36^{\circ} 30'$  of north latitude, known as the Missouri Compromise line as defined by the eighth section of an Act entitled an Act to authorize the people of the Missouri Territory to form a Constitution and State Government, and for the admission of such State into the Union on an equal footing with the original States, and to prohibit slavery in certain Territories, approved March 6, 1820, be, and the same is hereby declared to extend to the Pacific Ocean; and the said eighth section, together with the compromise therein effected, is hereby revived, and declared to be in

full force and binding, for the future organization of the Territories of the United States, in the same sense, and with the same understanding, with which it was originally adopted."

It was the rejection of that proposition — the repudiation of the policy of an equitable partition of the Territory between the two sections, on the line of 36° 30' — which reopened the floodgates of slavery agitation and deluged the whole country with sectional strife and bitterness, until the Union was again brought to the verge of disruption, before the swelling tide of bitter waters could be turned back, and passion and prejudice could be made to give place to reason and patriotism.

Such was the condition of things at the opening of the session of 1849–50, when Mr. Clay resumed his seat in this body.

The purest patriots in the land had become alarmed for the safety of the republic. The immortal Clay, whose life had been devoted to the rights, interests, and glory of his country, had retired to the shades of Ashland to prepare for another and better world. When, in his retirement, hearing the harsh and discordant notes of sectional strife and disunion, he consented, at the earnest solicitation of his countrymen, to resume his seat in the Senate, the theatre of his great deeds, to see if, by his experience, his wisdom, the renown of his great name, and his strong hold upon the confidence and affections of the American people, he could not do something to restore peace to a distracted country. From the moment of his arrival among us, he became, by common consent and as a matter of course, the leader of the Union men. His first idea was to revive and extend to the Pacific Ocean the Missouri Compromise line, with the same understanding and legal effect in which it had been adopted in 1820, and continued through Texas in 1845. I was one of his humble followers and trusted friends in endeavoring to carry out that policy, and, in connection with others, at his special request, carefully canvassed both Houses of Congress to ascertain whether it was possible to obtain a majority vote in each House for the measure. We found no difficulty with the Southern Senators and Representatives, and could secure the coöperation of a minority from the North; but not enough to give us a majority in both Houses. Hence, the Missouri Compromise was abandoned by its friends, *not from choice*, but from *inability to carry it into effect in good faith*. It was with extreme reluctance that Mr. Clay, and those of us who acted with him and shared his confidence, were brought to the conclusion that we must abandon, from inability to carry out, the line of policy which had saved the Union in 1820, and given peace to the country for many happy years.

Finding ourselves unable to maintain that policy, we yielded to a stern necessity, and turned our attention to the discovery of some other plan by which the existing difficulties could be settled and future troubles avoided. I need not detail the circumstances under which Mr. Clay brought forward his plan of adjustment, which received the sanction of the two Houses of Congress and the approbation of the American people, and is

familiarly known as the compromise measures of 1850. These measures were designed to accomplish the same results as the act of 1820, but in a different mode. The leading feature and chief merit of each was to banish the slavery agitation from the halls of Congress and the arena of Federal politics. The act of 1820 was intended to attain this end by an equitable partition of the Territories between the contending sections. The acts of 1850 were designed to attain the same end, by remitting the whole question of slavery to the decision of the people of the Territories, subject to the limitations of the Constitution, and let the Federal courts determine the validity and constitutionality of the Territorial enactments from time to time, as cases should arise and appeals should be taken to the Supreme Court of the United States. The one, proposed to settle the question by a geographical line and equitable partition; and the other by the principles of popular sovereignty, in accordance with the Constitution. The object of both being the same, I supported each in turn, as a means of attaining a desirable end.

After the compromise measures of 1850 had become the law of the land, those who had opposed their enactment appealed to their constituents to sustain them in their opposition, and implored them not to acquiesce in the principles upon which they were founded, and never to cease to war upon them until they should be annulled and effaced from the statute-book. The contest before the people was fierce and bitter, accompanied sometimes with acts of violence and intimidation; but, fortunately, Mr. Clay lived long enough to feel and know that his last great efforts for the peace of the country and the perpetuity of the Union — the crowning acts of a brilliant and glorious career in the public service — had met the approval and received the almost unanimous endorsement of his grateful countrymen. The repose which the country was permitted to enjoy for a brief period proved to be a temporary truce in the sectional conflict, and not a permanent peace upon the slavery question. The purpose of reopening the agitation for a Congressional prohibition of slavery in all the Territories whenever an opportunity or excuse could be had, seems never to have been abandoned by those who originated the scheme for partisan purposes in 1819 and were baffled in their designs by the adoption of the Missouri Compromise in 1820, and who renewed the attempt in 1848, but were again doomed to suffer a mortifying defeat in the adoption of the compromise measures of 1850. The opportunity and pretext for renewing the agitation was discovered by those who had never abandoned the design, when it became necessary, in 1854, to pass the necessary laws for the organization of the Territories of Kansas and Nebraska. The necessity for the organization of these Territories, in order to open and protect the routes of emigration and travel to California and Oregon, could not be denied. The measure could not be postponed longer without endangering the peace of the frontier settlements, and incurring the hazards of an Indian war, growing out of the constant collisions between the emigrants and the Indian tribes through whose country they were compelled to pass.



Early in December, 1853, Senator Dodge, of Iowa, introduced a bill for the organization of the Territory of Nebraska, which was referred to the committee on Territories, of which I was chairman. The committee did not volunteer their services on the occasion. The bill was referred to us by the vote of the Senate, and our action was in discharge of a plain duty imposed upon us by an express command of that body.

The first question which addressed itself to the calm and deliberate consideration of the committee, was — Upon what basis shall the organization of the Territory be formed? whether upon the theory of a geographical line and an equitable partition of the Territory in accordance with the compromise of 1820, which had been abandoned by its supporters, not from choice, but from our inability to carry it out, or upon the principle of non-intervention and popular sovereignty, according to the compromise measures of 1850, which had taken the place of the Missouri Compromise?

The committee, upon mature deliberation, and with great unanimity, decided that all future Territorial organizations should be formed upon the principles and model of the compromise measures of 1850, inasmuch as in the recent Presidential election [1852] both of the great political parties of the country [Whig and Democratic] of which the Senate was composed stood pledged to those measures as a substitute for the act of 1820; and the committee instructed me, as their organ, to prepare a report and draft a substitute for Mr. Dodge's bill in accordance with these views.

No sooner was this report and bill printed and laid upon the tables of Senators, than an address was prepared and issued over the signatures of those party leaders who had always denounced the Missouri Compromise as "a crime against freedom and a compact with infamy" in which this bill was arraigned as "a gross violation of a sacred pledge," as "a criminal betrayal of precious rights"; and the report denounced as "a mere invention designed to cover up from public reprehension meditated bad faith."

The Missouri Compromise was infamous in their estimation, so long as it remained upon the statute-book and was carried out in good faith as a means of preserving the peace of the country and preventing the slavery agitation in Congress. But it suddenly became a "sacred pledge," a "solemn compact for the preservation of precious rights," the moment they had succeeded in preventing its faithful execution and in causing it to be abandoned when it ceased to be an impregnable barrier against slavery agitation and sectional strife. The bill against which the hue and cry was raised, and the crusade preached, did not contain a word about the Missouri Compromise, nor in any manner refer to it. It simply allowed the people of the Territory to legislate for themselves on all rightful subjects of legislation, and left them free to form and regulate their domestic institutions in their own way, subject only to the Constitution.

So far as the Missouri act, or any other statute, might be supposed to conflict with the right of self-government in the Territories, it was, by



inference, rendered null and void to that extent, and for no other purpose. Several weeks afterwards, when a doubt was suggested whether under the bill as it stood the people of the Territory would be authorized to exercise this right of self-government upon the slavery question *during the existence of the Territorial Government*, an amendment was adopted, on my motion, for the sole and avowed purpose of removing that doubt and securing that right, in accordance with the compromise measures of 1850, as stated by me and reported in the debates at the time.

This sketch of the origin and progress of the slavery agitation as an element of political power and partisan warfare covers the entire period from the organization of the Federal Government under the Constitution in 1789 to the present, and is naturally divided into three parts:

First. From 1789, when the Constitution went into operation, to 1819-20, when the Missouri controversy arose. The Territories were all organized upon the basis of non-intervention by Congress with the domestic affairs of the people, and especially upon the question of African slavery. During the whole of this period domestic tranquillity and fraternal feeling prevailed.

Second. From 1820, when the Missouri Compromise was adopted, to 1848 and 1850, when it was repudiated and finally abandoned, all the Territories were organized with reference to the policy of an equitable partition between the two sections upon the line of 36° 30'. During this period there was no serious difficulty upon the Territorial question, so long as the Missouri Compromise was adhered to and carried out in good faith.

Third. From 1850, when the original doctrine of non-intervention, as it prevailed during the first thirty years, was reëstablished as the policy of the Government in the organization of Territories and the admission of new States, to the present time, there has been a constant struggle, except for a short interval, to overthrow and repudiate the policy and the principles of the compromise measures of 1850, for the purpose of returning to the old doctrine of Congressional intervention for the prohibition of slavery in all the Territories, south as well as north of the Missouri line, regardless of the wishes and condition of the people inhabiting the country.

In view of these facts, I feel authorized to reaffirm the proposition with which I commenced my remarks, that whenever the Federal Government has attempted to control the slavery question in our newly-acquired Territories, alienation of feeling, discord, and sectional strife have ensued; and whenever Congress has refrained from such interference, peace, harmony, and good-will have returned. The conclusion I draw from these premises is, that the slavery question should be banished forever from the halls of Congress and the arena of Federal politics, by an irrepealable Constitutional provision. I have deemed this exposition of the origin and progress of the slavery agitation essential to a full comprehension of the difficulties with which we are surrounded, and the remedies for the evils which threaten the disruption of the republic. The immediate causes which have

precipitated the southern country into revolution, although inseparably connected with, and flowing from, the slavery agitation whose history I have portrayed, are to be found in the result of the recent Presidential election. I hold that the election of any man, no matter who, by the American people, according to the Constitution, furnishes no cause, no justification, for the dissolution of the Union. But we cannot close our eyes to the fact that the Southern people have received the result of that election as furnishing conclusive evidence that the dominant party of the North, which is soon to take possession of the Federal Government under that election, are determined to invade and destroy their Constitutional rights. Believing that their domestic institutions, their hearthstones and their family altars, are to be assailed, at least by indirect means, and that the Federal Government is to be used for the inauguration of a line of policy which shall have for its object the ultimate extinction of slavery in all the States, old as well as new, South as well as North, the Southern people are prepared to rush wildly, madly, as I think, into revolution, disunion, war, and defy the consequences, whatever they may be, rather than to wait for the development of events, or submit tamely to what they think is a fatal blow impending over them and over all they hold dear on earth. It matters not, so far as we and the peace of the country and the fate of the Union are concerned, whether these apprehensions of the Southern people are real or imaginary, whether they are well founded or wholly without foundation, so long as they believe them and are determined to act upon them. The Senator from Ohio [Mr. Wade], whose speech was received with so much favor by his political friends the other day, referred to these serious apprehensions, and acknowledged his belief that the Southern people were laboring under the conviction that they were well founded. He was kind enough to add that he did not blame the Southern people much for what they were doing under this fatal misapprehension, but cast the whole blame upon the Northern Democracy; and referred especially to his colleague and myself, for having misrepresented and falsified the purposes and policy of the Republican party, and for having made the Southern people believe our misrepresentations! He does not blame the Southern people for acting on their honest convictions in resorting to revolution to avert an impending but imaginary calamity. No, he does not blame them, because they believe in the existence of the danger; yet he will do no act to undeceive them; will take no step to relieve their painful apprehensions; and will furnish no guarantees, no security, against the dangers which they believe to exist, and the existence of which he denies. But, on the contrary, he demands unconditional submission, threatens war, and talks about armies, navies, and military force for the purpose of preserving the Union and enforcing the laws! I submit whether this mode of treating the question is not calculated to confirm the worst apprehensions of the Southern people and force them into the most extreme measures of resistance.

I regret that the Senator from Ohio, or any other Senator, should have deemed it consistent with his duty, under present circumstances, to

introduce partisan politics, and attempt to manufacture partisan capital out of a question involving the peace and safety of the country. I repeat what I have said on another occasion, that, if I know myself, my action will be influenced by no partisan considerations until we shall have rescued the country from the perils which environ it. But since the Senator has attempted to throw the whole responsibility of the present difficulties upon the Northern Democracy, and has charged us with misrepresenting and falsifying the purposes and policy of the Republican party, and thereby deceiving the Southern people, I feel called upon to repel the charge, and show that it is without a shadow of foundation.

No man living would rejoice more than myself in the conviction, if I could only be convinced of the fact, that I have misunderstood and consequently misrepresented the policy and designs of the Republican party. Produce the evidence and convince me of my error, and I will take more pleasure in making the correction and repairing the injustice than I ever have taken in denouncing what I believed to be an unjust and ruinous policy.

With the view of ascertaining whether I have misapprehended or misrepresented the policy and purposes of the Republican party, I will now inquire of the Senator, and yield the floor for an answer, whether it is not the policy of his party to confine slavery within its present limits by the action of the Federal Government? Whether they do not intend to abolish and prohibit slavery by act of Congress, notwithstanding the decision of the Supreme Court to the contrary, in all the Territories we now possess or may hereafter acquire? In short, I will give the Senator an opportunity now to say —

*Mr. Wade.* Mr. President.

*Mr. Douglas.* One other question, and I will give way.

*Mr. Wade.* Very well.

*Mr. Douglas.* I will give the Senator an opportunity of saying now whether it is not the policy of his party to exert all the powers of the Federal Government under the Constitution, according to their interpretation of the instrument, to restrain and cripple the institution of slavery, with a view to its ultimate extinction in all the States, old as well as new, south as well as north.

Are not these the views and purposes of the party, as proclaimed by their leaders, and understood by the people, in speeches, addresses, sermons, newspapers, and public meetings? Now, I will hear his answer.

*Mr. Wade.* Mr. President, all these questions are most pertinently answered in the speech the Senator is professing to answer. I have nothing to add to it. If he will read my speech, he will find my sentiments upon all these questions.

*Mr. Douglas.* Mr. President, I did not expect an unequivocal answer. I know too well that the Senator will not deny that each of these interrogatories does express his individual policy and the policy of the Republican party as he understands it. I should not have propounded the interrogatories to him if he had not accused me and the Northern Democracy of

having misrepresented the policy of the Republican party, and with having deceived the Southern people by such misrepresentations. The most obnoxious sentiments I ever attributed to the Republican party, and that not in the South, but in Northern Illinois and in the strongholds of Abolitionism, was that they intended to exercise the powers of the Federal Government with a view to the ultimate extinction of slavery in the Southern States. I have expressed my belief, and would be glad to be corrected if I am in error, that it is the policy of that party to exclude slavery from all the Territories we now possess or may acquire, with a view of surrounding the slave States with a cordon of Abolition States, and thus confine the institution within such narrow limits, that when the number increases beyond the capacity of the soil to raise food for their subsistence, the institution must end in starvation, colonization, or servile insurrection. I have often exposed the enormities of this policy, and appealed to the people of Illinois to know whether this mode of getting rid of the evils of slavery could be justified in the name of civilization, humanity, and Christianity? I have often used these arguments in the strongest abolition portions of the North, but never in the South. The truth is, I have always been very mild and gentle upon the Republicans when addressing a Southern audience; for it seemed ungenerous to say behind their backs, and where they dare not go to reply to me, those things which I was in the habit of saying to their faces and in the presence of their leaders where they were in the majority.

But inasmuch as I do not get a direct answer from the Senator who makes this charge against the Northern Democracy, as to the purposes of that party to use the power of the Federal Government under their construction of the Constitution, with a view to the ultimate extinction of slavery in the States, I will turn to the record of their President elect, and see what he says on that subject.

Mr. Lincoln was nominated for United States Senator by a Republican State Convention at Springfield in June, 1858. Anticipating the nomination, he had carefully prepared a written speech, which he delivered on the occasion, and which, by order of the convention, was published among the proceedings as containing the platform of principles upon which the canvas was to be conducted. . . . You are told by the President elect that this Union cannot permanently endure, divided into free and slave States; that these States must all become free or all slave, all become one thing or all the other; that this agitation will never cease until the opponents of slavery have restrained its expansion, and have placed it where the public mind will be satisfied that it will be in the course of ultimate extinction. Mark the language:

"Either the opponents of slavery will arrest the further spread of it."

We are now told that the object of the Republican party is to prevent the extension of slavery. What did Mr. Lincoln say? That the opponents of slavery must first prevent the further spread of it. But that is not all. What else must they do?



“And place it where the public mind can rest in the belief that it is in the course of ultimate extinction.”

The ultimate extinction of slavery, of which Mr. Lincoln was then speaking, related to the States of this Union. He had reference to the Southern States of this Confederacy; for in the next sentence he says that the States must all become one thing, or all the other — “old as well as new, North as well as South” — showing that he meant that the policy of the Republican party was to keep up this agitation in the Federal Government until slavery in the States was placed in the process of ultimate extinction. Now, sir, when the Republican committee have published an edition of Mr. Lincoln’s speeches containing sentiments like these, and circulating it as a campaign document, is it surprising that the people of the South should suppose that he was in earnest, and intended to carry out the policy which he had announced?

I regret the necessity which has made it my duty to reproduce these dangerous and revolutionary opinions of the President elect. No consideration could have induced me to have done so but the attempt of his friends to denounce the policy which Mr. Lincoln has boldly advocated, as gross calumnies upon the Republican party, and as base inventions by the Northern Democracy, to excite rebellion to the southern country. I should like to find one senator on that side of the Chamber, in the confidence of the President elect, who will have the hardihood to deny that Mr. Lincoln stands pledged by his public speeches, to which he now refers constantly as containing his present opinions, to carry out the policy indicated in the speech from which I have read. I take great pleasure in saying, however, that I do not believe the rights of the South will materially suffer under the administration of Mr. Lincoln. I repeat what I have said on another occasion, that neither he nor his party will have the power to do any act prejudicial to Southern rights and interests, if the Union shall be preserved, and the Southern States shall retain a full delegation in both Houses of Congress. With a majority against them in this body, and in the House of Representatives, they can do no act, except to enforce the laws, without the consent of those to whom the South has confided her interests; and even his appointments for that purpose are subject to our advice and confirmation. Besides, I still indulge the hope that when Mr. Lincoln shall assume the high responsibilities which will soon devolve upon him, he will be fully impressed with the necessity of sinking the politician in the statesman, the partisan in the patriot, and regard the obligations which he owes to his country as paramount to those of his party. In view of these considerations, I had indulged the fond hope that the people of the Southern States would have been content to have remained in the Union and defend their rights under the Constitution, instead of rushing madly into revolution and disunion, as a refuge from the apprehended dangers which may not exist.

But this apprehension has become widespread and deep-seated in the Southern people. It has taken possession of the Southern mind, sunk deep in the Southern heart, and filled them with the conviction that their



fresides, their family altars, and their domestic institutions are to be ruthlessly assailed through the machinery of the Federal Government. The Senator from Ohio says he does not blame you Southern Senators, nor the Southern people, for believing those things; and yet, instead of doing those acts which will relieve your apprehensions and render it impossible that your rights should be invaded by Federal power under any administration, he threatens you with war, armies, military force, under pretext of enforcing the laws, and preserving the Union. We are told that the authority of Government must be vindicated; that the Union must be preserved; that rebellion must be put down; that insurrection must be suppressed, and the laws must be enforced. I agree to all this. I am in favor of doing all these things according to the Constitution and laws. No man shall go further than I to maintain the just authority of the Government, to preserve the Union, to put down rebellion, to suppress insurrection, and enforce the laws. I would use all the powers conferred by the Constitution for this purpose. But, in the performance of these important and delicate duties, it must be borne in mind that those powers only must be used, and such measures employed, as are authorized by the Constitution and laws. Things should be called by their right names; and facts whose existence can no longer be denied should be acknowledged.

May Divine Providence, in his infinite wisdom and mercy, save our country from the humiliation and calamities which now seem almost inevitable! South Carolina has already declared her independence of the United States — has expelled the Federal authorities from her limits, and established a Government *de facto*, with a military force to sustain it. The revolution is complete, there being no man within her limits who denies the authority of the Government or acknowledges allegiance to that of the United States. There is every reason to believe that seven other States will soon follow her example; and much ground to apprehend that the other slaveholding States will follow them.

How are we going to prevent an alliance between these seceding States, by which they may establish a Federal Government, at least *de facto*, for themselves? If they shall do so, and expel the authorities of the United States from their limits, as South Carolina has done, and others are about to do, so that there shall be no human being within their boundaries who acknowledges allegiance to the United States, how are we going to enforce the laws? Armies and navies can make war, but cannot enforce laws in this country. The laws can be enforced only by the civil authorities, assisted by the military as a *posse comitatus* when resisted in executing judicial process. Who is to issue the judicial process in a State where there is no judge, no court, no judicial functionary? Who is to perform the duties of marshal in executing the process where no man will or dare accept office? Who are to serve on juries while every citizen is *particeps criminis* with the accused? How are you going to comply with the Constitution in respect to a jury trial where there are no men qualified to serve on the jury? I agree that the laws should be enforced. I hold that

our Government is clothed with the power and duty of using all the means necessary to the enforcement of the laws, *according to the Constitution and laws*. The President is sworn to the faithful performance of this duty. I do not propose to inquire, at this time, how far and with what fidelity the President has performed that duty. His conduct and duty in this regard, including acts of commission and omission, while the rebellion was in its incipient stages, and when confined to a few individuals, present a very different question from that which we are now discussing, after the revolution has become complete, and the Federal authorities have been expelled, and the Government *de facto* put into practical operation and in the unrestrained and unresisted exercise of all the powers and functions of Government, local and national.

But we are told that secession is wrong, and that South Carolina had no right to secede. I agree that it is wrong, unlawful, unconstitutional, criminal. In my opinion South Carolina had no right to secede; *but she has done it*. She has declared her independence of us, effaced the last vestige of our civil authority, established a foreign Government, and is now engaged in the preliminary steps to open diplomatic intercourse with the great powers of the world. What next? If her act was illegal, unconstitutional, and wrong, have we no remedy? Unquestionably we have the right to use all the power and force necessary to regain possession of that portion of the United States, in order that we may again enforce our Constitution and laws upon the inhabitants. We can enforce our laws in those States, Territories, and places only which are within our possession. It often happens that the territorial rights of a country extend beyond the limits of their actual possessions. That is our case at present in respect to South Carolina. Our right of jurisdiction over that State for Federal purposes, according to the Constitution, has not been destroyed or impaired by the ordinance of secession, or any act of the convention, or of the *de facto* Government. The right remains; but the possession is lost for the time being. "How shall we regain the possession?" is the pertinent inquiry. It may be done by arms, or by a peaceable adjustment of the matters in controversy.

*Are we prepared for war?* I do not mean that kind of preparation which consists of armies and navies, and supplies and munitions of war; but are we prepared in our hearts for war with our own brethren and kindred? I confess I am not. While I affirm that the Constitution is, and was intended to be, a bond of perpetual Union; while I can do no act and utter no word that will acknowledge or countenance the right of secession; while I affirm the right and the duty of the Federal Government to use all legitimate means to enforce the laws, put down rebellion, and suppress insurrection, I will not meditate war, nor tolerate the idea, until effort at peaceful adjustment shall have been exhausted, and the last ray of hope shall have deserted the patriot's heart. Then, and not till then, will I consider and determine what course my duty to my country may require me to pursue in such an emergency. *In my opinion, war is disunion, certain, inevitable, irrevocable.* I am for peace to save the Union.

I have said that I cannot recognize nor countenance the right of secession. Illinois, situated in the interior of the continent, can never acknowledge the right of the States bordering on the seas to withdraw from the Union at pleasure, and form alliances among themselves and with other countries, by which we shall be excluded from all access to the ocean, from all intercourse or commerce with foreign nations. We can never consent to be shut up within the circle of a Chinese wall, erected and controlled by others without our permission; or to any other system of isolation by which we shall be deprived of any communication with the rest of the civilized world. Those States which are situated in the interior of the continent can never assent to any such doctrine. Our rights, our interests, our safety, our existence as a free people, forbid it! The Northwestern States were ceded to the United States before the Constitution was made, on condition of perpetual union with the other States. The Territories were organized, settlers invited, lands purchased, and homes made, on the pledge of your plighted faith of perpetual union.

When there were but two hundred thousand inhabitants scattered over that vast region, the navigation of the Mississippi was deemed by Mr. Jefferson so important and essential to their interests and prosperity, that he did not hesitate to declare that if Spain or France insisted upon retaining possession of the mouth of that river, it would become the duty of the United States to take it by arms, if they failed to acquire it by treaty. If the possession of that river, with jurisdiction over its mouth and channel, was indispensable to the people of the Northwest when we had two hundred thousand inhabitants, is it reasonable to suppose that we will voluntarily surrender it now when we have ten millions of people? Louisiana was not purchased for the exclusive benefit of the few Spanish and French residents in the territory, nor for those who might become residents. These considerations did not enter into the negotiations and found no inducements to the acquisition. Louisiana was purchased with the National treasure, for the common benefit of the whole Union in general, and for the safety, convenience, and prosperity of the Northwest in particular. We paid fifteen million dollars for the territory. We have expended much more than that sum in the extinguishment of Indian titles, the removal of Indians, the survey of lands, the erection of custom-houses, lighthouses, forts, and arsenals. We admitted the inhabitants into the Union on an equal footing with ourselves. Now we are called upon to acknowledge the moral and Constitutional right of those people to dissolve the Union without the consent of the other States; to seize the forts, arsenals, and other public property, and appropriate them to their own use; to take possession of the Mississippi River, and exercise jurisdiction over the same, and to reannex herself to France, or remain an independent nation, or to form alliances with such other Powers as she, in the plenitude of her sovereign will and pleasure, may see fit. If this thing is to be done — peaceably if you can, and forcibly if you must — all I propose to say at this time is, that you cannot expect us of the Northwest to yield our assent to it, nor to acknowledge your right to do it, or the propriety and justice of the act.

The respectful attention with which my friend from Florida [Mr. Yulee] is listening to me, reminds me that his State furnishes an apt illustration of this modern doctrine of secession. We paid five million for the territory. We spent marvellous sums in subduing the Indians, extinguishing Indian titles, removal of Indians beyond her borders, surveying the lands, building lighthouses, navy-yards, forts, and arsenals, with untold millions for the never-ending Florida claims. I assure my friend that I do not refer to these things in an offensive sense, for he knows how much respect I have for him, and has not forgotten my efforts in the House many years ago, to secure the admission of his State into the Union, in order that he might represent her, as he has since done with so much ability and fidelity in this body. But I will say that it never occurred to me at that time that the State whose admission into the Union I was advocating would be one of the first to join in a scheme to break up the Union. I submit it to him whether it is not an extraordinary spectacle to see that State which has cost us so much blood and treasure, turn her back on the Union which has fostered and protected her when she was too feeble to protect herself, and seize the lighthouses, navy-yards, forts, and arsenals, which, although within her boundaries, were erected with National funds, for the benefit and defence of the whole Union.

I do not think I can find a more striking illustration of this doctrine of secession than was suggested to my mind when reading the President's last annual message. My attention was first arrested by the remarkable passage that the Federal Government had no power to *coerce* a State back into the Union if she did secede; and my admiration was unbounded when I found, a few lines afterwards, a recommendation to appropriate money to purchase the island of Cuba. It occurred to me instantly what a brilliant achievement it would be to pay Spain three hundred million dollars for Cuba, and immediately admit the island into the Union as a State, and let her secede and reannex herself to Spain the next day, when the Spanish Queen would be ready to sell the island again for half price, according to the gullibility of the purchaser!

During my service in Congress it was one of my pleasant duties to take an active part in the annexation of Texas; and at a subsequent session to write and introduce the bill which made Texas one of the States of the Union. Out of that annexation grew the war with Mexico, in which we expended one hundred million dollars, and were left to mourn the loss of about ten thousand as gallant men as ever died upon a battlefield for the honor and glory of their country! We have since spent millions of money to protect Texas against her own Indians, to establish forts and fortifications to protect her frontier settlements and to defend her against the assaults of all enemies until she became strong enough to protect herself. We are now called upon to acknowledge that Texas has a moral, just, and constitutional right to rescind the act of admission into the Union; repudiate her ratification of the resolutions of annexation; seize the forts and public buildings which were constructed with our money; appropriate the same to her own use, and leave us to pay one hundred million dollars and



to mourn the death of the brave men who sacrificed their lives in defending the integrity of her soil. In the name of Hardin and Bissell and Harris, and the seven thousand gallant spirits from Illinois, who fought bravely upon every battlefield of Mexico, I protest against the right of Texas to separate herself from this Union without our consent.

*Mr. Hemphill.* Mr. President, if the Senator from Illinois will allow me, I will inquire whether there were no other causes assigned by the United States for the war with Mexico than simply the defence of Texas?

*Mr. Douglas.* I will answer the question. We undoubtedly did assign other acts as causes for war which had existed for years, if we had chosen to treat them so; but we did not go to war for any other cause than the annexation of Texas, as is shown in the act of Congress recognizing the existence of war with Mexico, in which it is declared that "war exists by the act of the Republic of Mexico." The sole cause of grievance which Mexico had against us, and for which she commenced the war, was our annexation of Texas. Hence, none can deny that the Mexican war was solely and exclusively the result of the annexation of Texas.

*Mr. Hemphill.* I will inquire further, whether the United States paid anything to Texas for the annexation of her three hundred and seventy thousand square miles of territory; whether the United States has not got five hundred million dollars by the acquisition of California through that war with Mexico?

*Mr. Douglas.* Sir, we did not pay anything for bringing Texas into the Union; for we did not get any of her lands, except that we purchased some poor lands from her afterwards, which she did not own, and paid her ten million dollars for them. But we did spend blood and treasure in the acquisition and subsequent defence of Texas.

Now, sir, I will answer his question in respect to California. The treaty of peace brought California and New Mexico into the Union. Our people moved there, took possession of the lands, settled up the country, and erected a State of which the United States have a right to be proud. We have expended millions upon millions for fortifications in California, and for navy-yards, and mints, and public buildings, and land surveys, and feeding the Indians, and protecting her people. I believe the public land sales do not amount to more than one-tenth of the cost of surveys, according to the returns that have been made. It is true that the people of California have dug a large amount of gold (principally out of the lands belonging to the United States), and sold it to us; but I am not aware that we are under any more obligations to them for selling it to us than they are to us for buying it of them. The people of Texas, during the same time, have probably made cotton and agricultural productions to a much larger value, and sold some of it to New England, and some to old England. I suppose the benefits of the bargain were reciprocal, and the one was under just as much obligation as the other for the mutual benefits of the sale and purchase.

The question remains whether, after paying fifteen million dollars for California — as the Senator from Texas has called my attention to



that State — and perhaps as much more in protecting and defending her, she has any moral or constitutional right to annul the compact between her and the Union, and form alliances with foreign Powers, and leave us to pay the cost and expenses? I cannot recognize any such doctrine. In my opinion the Constitution was intended to be a bond of perpetual Union. It begins with the declaration in the preamble, that it is made in order “to form a more perfect Union,” and every section and paragraph in the instrument implies perpetuity. It was intended to last forever, and was so understood when ratified by the people of the several States. New York and Virginia have been referred to as having ratified with the reserved right to withdraw or secede at pleasure. This is a mistake. The correspondence between General Hamilton and Mr. Madison at the time is conclusive on this point. After Virginia had ratified the Constitution, General Hamilton, who was a member of the New York convention, wrote to Mr. Madison that New York would probably ratify the Constitution for a term of years, and reserve the right to withdraw after that time, if certain amendments were not sooner adopted; to which Mr. Madison replied that such a ratification would not make New York a member of the Union; that the ratification must be unconditional, *in toto and forever*, or not at all; that the same question was considered at Richmond and abandoned when Virginia ratified the Constitution. Hence, the declaration of Virginia and New York, that they had not surrendered the right to resume the delegated powers, must be assumed as referring to the right of revolution, which nobody acknowledges more freely than I do, and not to the right of secession.

The Constitution being made as a bond of perpetual Union, its framers proceeded to provide against the necessity of revolution by prescribing the mode in which it might be amended; so that if, in the course of time, the condition of the country should so change as to require a different fundamental law, amendments might be made peaceably, in the manner prescribed in the instrument, and thus avoid the necessity of ever resorting to revolution. Having provided for a perpetual Union, and for amendments to the Constitution, they next inserted a clause for admitting new States, *but no provision for the withdrawal of any of the other States*. I will not argue the question of the right of secession any further than to enter my protest against the whole doctrine. I deny that there is any foundation for it in the Constitution, in the nature of the compact, in the principles of the Government, or in justice, or in good faith.

Nor do I sympathize at all in the apprehensions and misgivings I hear expressed about *coercion*. We are told that inasmuch as our Government is founded on the will of the people, or the consent of the governed, therefore coercion is incompatible with republicanism. Sir, *the word Government means coercion*. *There can be no Government without coercion*. Coercion is the vital principle upon which all Governments rest. Withdraw the right of coercion, and you dissolve your Government. If every man would do his duty and respect the rights of his neighbors voluntarily, there would be no necessity for any Government on earth. The necessity

of Government is found to consist in the fact that some men will not do right unless coerced to do so. The object of all Government is to coerce and compel every man to do his duty, who would not otherwise perform it. Hence I do not subscribe at all to this doctrine that coercion is not to be used in a free Government. It must be used in all Governments, no matter what their form or what their principles.

But coercion must be always used in the mode prescribed in the Constitution and laws. I hold that the Federal Government is, and ought to be, clothed with the power and duty to use all the means necessary to coerce obedience to all laws made in pursuance of the Constitution. But the proposition to subvert the *de facto* Government of South Carolina, and to reduce the people of that State into subjection to our Federal authority, no longer involves the question of enforcing the laws in a country within our possession; but it does involve the question whether we will make war on a State which has withdrawn her allegiance and expelled our authorities, with a view of subjecting her to our possession for the purpose of enforcing our laws within her limits.

We are bound, by the usages of nations, by the laws of civilization, by the uniform practice of our Government, to acknowledge the existence of a Government *de facto*, so long as it maintains its undivided authority. When Louis Philippe fled from the throne of France, Lamartine suddenly one morning found himself the head of a provisional Government; I believe it was but three days until the American Minister recognized the Government *de facto*. Texas was a Government *de facto*, not recognized by Mexico, when we annexed her; not recognized by Spain, when Texas revolted. The laws of nations recognize Governments *de facto* where they exercise and maintain undivided sway, leaving the question of their authority *de jure* to be determined by the people interested in the Government. Now, as a man who loves the Union, and desires to see it maintained forever, and to see the laws enforced, and rebellion put down, and insurrection repressed, and order maintained, I desire to know of my Union-loving friends on the other side of the Chamber how they intend to enforce the laws in the seceding States, except by making war, conquering them first, and administering the laws in them afterwards.

In my opinion, we have reached a point where disunion is inevitable, unless some compromise founded on mutual concession, can be made. I prefer compromise to war. I prefer concession to a dissolution of the Union. When I avow myself in favor of compromise, I do not mean that one side should give up all that it has claimed, nor that the other side should give up everything for which it has contended. Nor do I ask any man to come to my standard; but I simply say that I will meet any one half way who is willing to preserve the peace of the country, and save the Union from disruption upon principles of compromise and concession.

In my judgment no system of compromise can be effectual and permanent which does not banish the slavery question from the Halls of Congress and the arena of Federal politics, by irrepealable constitutional provision. We have tried compromise by law, compromise by act of Congress,

and now we are engaged in the small business of crimination and recrimination, as to who is responsible for not having lived up to them in good faith, and for having broken faith. I want whatever compromise is agreed to, placed beyond the reach of party politics and partisan policy, by being made irrevocable in the Constitution itself, so that every man that holds office will be bound by his oath to support it.

Why cannot you Republicans accede to the reestablishment and extension of the Missouri Compromise line? You have sung pæans enough in its praise, and uttered imprecations and curses enough upon my head for its repeal, one would think, to justify you now in claiming a triumph by its reestablishment. If you are willing to give up your party feelings — to sink the partisan in the patriot — and help me to reestablish and extend that line, as a perpetual bond of peace between the North and the South, I will promise you never to remind you in future of your denunciations of the Missouri Compromise, so long as I was supporting it, and of your praises of the same measure when we removed it from the statute-book, after you had caused it to be abandoned, by rendering it impossible for us to carry it out. I seek no partisan advantage; I desire no personal triumph. I am willing to let by-gones be by-gones with every man who in this exigency will show by his vote that he loves his country more than his party.

I presented to the committee of thirteen and also introduced into the Senate another plan by which the slavery question may be taken out of Congress, and the peace of the country maintained. It is that Congress shall make no law on the subject of slavery in the Territories, and that the existing *status* of each Territory on that subject, as it now stands by law, shall remain unchanged until it has fifty thousand inhabitants, when it shall have the right of self-government as to its domestic policy; but with only a delegate in each House of Congress until it has the population required by the Federal ratio for a representative in Congress, when it shall be admitted into the Union on an equal footing with the original States. I put the number of the inhabitants at fifty thousand before the people of the Territory shall change the *status* in regard to slavery as a fair compromise between the conflicting opinions on this subject. The two extremes, North and South, unite in condemning the doctrine of popular sovereignty in the Territories upon the ground that the first few settlers ought not to be permitted to decide so important a question for those who are to come after them. I have never considered that objection well taken, for the reason that no Territory should be organized with the right to elect a Legislature and make its own laws upon all rightful subjects of legislation, until it contains a sufficient population to constitute a political community; and whenever Congress should decide that there was a sufficient population, capable of self-government, by organizing the Territory, to govern themselves upon all other subjects, I could never perceive any good reason why the same political community should not be permitted to decide the slavery question for themselves.

But since we are now trying to compromise our difficulties upon the

basis of mutual concessions, I propose to meet both extremes half way, by fixing the number at fifty thousand. This number, certainly, ought to be satisfactory to those States which have been admitted into the Union with less than fifty thousand inhabitants. Oregon, Florida, Arkansas, Mississippi, Alabama, Ohio, Indiana, and Illinois, were each admitted into the Union, I believe, with less than that number of inhabitants. Surely the senators and representatives from those States do not doubt that fifty thousand people were enough to constitute a political community, capable of deciding the slavery question for themselves. I now invite attention to the next proposition.

In order to allay all apprehension, North or South, that territory would be acquired in the future for sectional or partisan purposes, by adding a large number of free States on the North, or slave States on the South, with the view of giving the one section or the other a dangerous political ascendancy, I have inserted the provision that "no more territory shall be acquired by the United States except by treaty on the concurrent vote of two-thirds in each House of Congress." If this provision should be incorporated into the Constitution, it would be impossible for either section to annex any territory without the concurrence of a large portion of the other section; and hence there need be no apprehension that any territory would be hereafter acquired for any other than such National considerations as would commend the subject to the approbation of both sections.

I have also inserted a provision confirming the right of suffrage and of holding office to white men, excluding the African race. I have also inserted a provision for the colonization of free negroes from such States as may desire to have them removed, to districts of country to be acquired in Africa and South America. In addition to these I have adopted the various provisions contained in the proposition of the Senator from Kentucky, in reference to fugitive slaves, the abolition of slavery in the forts, arsenals, and dockyards in the slave States and in the District of Columbia, and the other provisions for the safety of the South. I believe this to be a fair basis of amicable adjustment. If you of the Republican side are not willing to accept this, nor the proposition of the Senator from Kentucky [Mr. Crittenden], pray tell us what you are willing to do. I address the inquiry to the Republicans alone, for the reason that in the committee of thirteen, a few days ago, every member from the South, including those from the cotton States [Messrs. Toombs and Davis], expressed their readiness to accept the proposition of my venerable friend from Kentucky [Mr. Crittenden] as a final settlement of the controversy, if tendered and sustained by the Republican members. Hence, the sole responsibility of our disagreement, and the only difficulty in the way of our amicable adjustment, is with the Republican party.

At first I thought your reason for declining to adjust this question amicably was that the Constitution, as it stands, was good enough, and that you would make no amendment to it. That proposition has already been waived. The great leader of the Republican party [Mr. Seward] by



the unanimous concurrence of his friends, brought into the committee of thirteen a proposition to amend the Constitution. Inasmuch, therefore, as you are willing to amend the instrument, and to entertain propositions of adjustment, why not go further and relieve the apprehensions of the Southern people on all points where you do not intend to operate aggressively? You offer to amend the Constitution by declaring that no future amendments shall be made which shall empower Congress to interfere with slavery in the States.

Now, if you do not intend to do any other act prejudicial to their constitutional rights and safety, why not relieve their apprehensions by inserting in your own proposed amendment to the Constitution, such further provisions as will, in like manner, render it impossible for you to do that which they apprehend you intend to do, and which you have no purpose of doing, if it be true that you have no such purpose? For the purpose of removing the apprehensions of the Southern people, and for no other purpose, you propose to amend the Constitution, so as to render it impossible, in all future time, for Congress to interfere with slavery in the States where it may exist under the laws thereof. Why not insert a similar amendment in respect to slavery in the District of Columbia, and in the navy-yards, forts, arsenals, and other places within the limits of the slaveholding States, over which Congress has exclusive jurisdiction? Why not insert a similar provision in respect to the slave trade between the slaveholding States? The Southern people have more serious apprehensions on these points than they have of your direct interference with slavery.

If their apprehensions on these several points are groundless, is it not a duty you owe to God and your country to relieve their anxiety and remove all causes of discontent? Is there not quite as much reason for relieving their apprehensions upon these points, in regard to which they are much more sensitive, as in respect to your direct interference in the States, where they know you acknowledge that you have no power to interfere as the Constitution now stands? The fact that you propose to give the assurance on one point and peremptorily refuse to give it on the others, seems to authorize the presumption that you do intend to use the powers of the Federal Government for the purpose of direct interference with slavery and the slave trade everywhere else, with the view to its indirect effects upon slavery in the States; or, in the language of Mr. Lincoln, with the view of its "ultimate extinction in all the States, old as well as new, North as well as South."

If you had exhausted your ingenuity in devising a plan for the express purpose of increasing the apprehensions and inflaming the passions of the Southern people, with the view of driving them into revolution and disunion, none could have been contrived better calculated to accomplish the object than the offering of that one amendment to the Constitution, and rejecting all others which are infinitely more important to the safety and tranquillity of the slaveholding States.

In my opinion, we have now reached a point where this agitation must close, and all the matters in controversy be finally determined by consti-



tutional amendments, or civil war and the disruption of the Union are inevitable. My friend from Oregon [Mr. Baker], who has addressed the Senate for the last two days, will fail in his avowed purpose to "evade" the question. He claims to be liberal and conservative; and I must confess that he seems to be the most liberal of any gentleman on that side of the Chamber, always excepting the noble and patriotic speech of the Senator from Connecticut [Mr. Dixon], and the utmost extent to which the Senator from Oregon would consent to go was to devise a scheme by which the real question at issue could be evaded.

I regret the determination to which I apprehend the Republican senators have come, to make no adjustment, entertain no proposition, and listen to no compromise of the matters in controversy.

I fear, from all the indications, that they are disposed to treat the matter as a party question, to be determined in caucus with reference to its effects upon the prospects of their party, rather than upon the peace of the country and the safety of the Union. I invoke their deliberate judgment whether it is not a dangerous experiment for any political party to demonstrate to the American people that the unity of their party is dearer to them than the Union of these States. The argument is, that the Chicago platform having been ratified by the people in a majority of the States must be maintained at all hazards, no matter what the consequences to the country. I insist that they are mistaken in the fact when they assert that this question was decided by the American people in the late election. The American people have not decided that they preferred the disruption of this Government, and civil war with all its horrors and miseries, to surrendering one iota of the Chicago platform. If you believe that the people are with you on this issue, let the question be submitted to the people on the proposition offered by the Senator from Kentucky, or mine, or any other fair compromise, and I will venture the prediction that your own people will ratify the proposed amendments to the Constitution, in order to take this slavery question out of Congress, and restore peace to the country, and insure the perpetuity of the Union.

Why not give the people a chance? It is an important crisis. There is now a different issue presented from that in the Presidential election. I have no doubt that the people of Massachusetts, by an overwhelming majority, are in favor of a prohibition of slavery in the Territories by an act of Congress. An overwhelming majority of the same people were in favor of the instant prohibition of the African slave trade, on moral and religious grounds, when the Constitution was made. When they found that the Constitution could not be adopted and the Union preserved, without surrendering their objections on the slavery question, they, in the spirit of patriotism and Christian feeling, preferred the lesser evil to the greater, and ratified the Constitution without their favorite provision in regard to slavery. Give them a chance to decide now between the ratification of these proposed amendments to the Constitution and the consequences which your policy will inevitably produce.

Why not allow the people to pass on these questions? All we have to

do is to submit them to the States. If the people reject them, theirs will be the responsibility, and no harm will have been done by the reference. If they accept them, the country will be safe and at peace. The political party which shall refuse to allow the people to determine for themselves at the ballot-box the issue between revolution and war on the one side, and obstinate adherence to party platform on the other, will assume a fearful responsibility. A war upon a political issue, waged by the people of eighteen States against the people and domestic institutions of fifteen sister States, is a fearful and revolting thought. The South will be a unit, and desperate, under the belief that your object in waging war is their destruction, and not the preservation of the Union; that you meditate servile insurrection, and the abolition of slavery in the Southern States, by fire and sword, in the name and under pretext of enforcing the laws and vindicating the authority of the Government. You know that such is the prevailing, and I may say, unanimous, opinion at the South; and that ten millions of people are preparing for the terrible conflict under that conviction.

When there is such an irrepressible discontent pervading ten million people, penetrating the bosom of every man, woman, and child, and, in their estimation, involving everything that is valuable and dear on earth, is it not time to pause and reflect whether there is not some cause, real or imaginary, for apprehension? If there be a just cause for it, in God's name, in the name of humanity and civilization, let it be removed. Will we not be guilty in the sight of Heaven and of posterity, if we do not remove all just cause before proceeding to extremes? If, on the contrary, there be no real foundation for these apprehensions; if it be all a mistake, and yet they, believing it to be a solemn reality, are determined to act on that belief, is it not equally our duty to remove the misapprehension? Hence the obligation to remove the causes of discontent, whether real or imaginary, is alike imperative upon us, if we wish to preserve the peace of the country and the Union of the States.

It matters not, so far as the peace of the country and the preservation of the Union are concerned, whether the apprehensions of the Southern people are well founded or not, so long as they believe them, and are determined to act upon that belief. If war comes, it must have an end at sometime; and *that termination, I apprehend, will be a final separation.* Whether the war last one year, seven years, or thirty years, the result must be the same — a cessation of hostilities when the parties become exhausted, and a treaty of peace recognizing the separate independence of each section. The history of the world does not furnish an instance where war has raged for a series of years between two classes of States, divided by a geographical line under the same National Government, which has ended in reconciliation and reunion. Extermination, subjugation, or separation, one of the three, must be the result of war between the Northern and Southern States. Surely, you do not expect to exterminate or subjugate ten million people, the entire population of one section, as a means of preserving amicable relations between the two sections?

I repeat, then, my solemn conviction, that war means disunion, — final, irrevocable, eternal separation. I see no alternative, therefore, but a fair compromise, founded on the basis of mutual concessions, alike honorable, just, and beneficial to all parties, or civil war and disunion. Is there anything humiliating in a fair compromise of conflicting interests, opinions, and theories, for the sake of peace, Union, and safety? Read the debates of the Federal convention, which formed our glorious Constitution, and you will find noble examples worthy of imitation; instances where sages and patriots were willing to surrender cherished theories and principles of government, believed to be essential to the best form of society, for the sake of peace and unity.

It seems that party platforms, pride of opinion, personal consistency, or fear of political martyrdom are the only obstacles to a satisfactory adjustment. Have we nothing else to live for but political position? Have we no other inducement, no other incentive to our efforts, our toils, and our sacrifices? Most of us have children, the objects of our tenderest affections and deepest solicitude, whom we hope to leave behind us to enjoy the rewards of our labors in a happy, prosperous, and united country, under the best Government the wisdom of man ever devised or the sun of Heaven ever shone upon. Can we make no concessions, no sacrifices, for the sake of our children, that they may have a country to live in and a Government to protect them when party platforms and political honors shall avail us nothing in the day of final reckoning?

In conclusion, I have only to renew the assurance that I am prepared to coöperate cordially with the friends of a fair, just, and honorable compromise, in securing such amendments to the Constitution as will expel the slavery agitation from Congress and the arena of Federal politics forever, and restore peace to the country, and preserve our liberties and Union as the most precious legacy we can transmit to our posterity.

## THE SO-CALLED "FREEPORT DOCTRINE"

THE author of this work long ago wrote an article showing that the so-called "Freeport Doctrine" was enunciated by Senator Douglas long before the joint debates were entered upon, and was, *in Mr. Lincoln's presence*, proclaimed at Bloomington by the Senator, *six weeks before* the joint debate at Freeport, and repeated by him on the next day at Springfield, and that the published statements in regard to the matter did the Senator great injustice.

The article appeared in the *Chicago Record-Herald* of December 22, 1909, and is reproduced here as follows:

MR. EDITOR, —

At the second of the Lincoln and Douglas joint debates, which was held at Freeport, Illinois, on the twenty-seventh of August, 1858, Mr. Lincoln propounded to Senator Douglas four questions, the second of which was as follows:

"Can the people of a United States Territory, in any lawful way, against the wish of any citizen of the United States, exclude slavery from its limits prior to the formation of a State Constitution?"

It is not proposed in this article to consider the legal proposition involved in this question. This was fully done by the principals in the great controversy. It is simply at this time proposed to consider what has seemed to be throughout the country a general misapprehension in regard to the circumstances of propounding this question, which does great injustice to Senator Douglas.

It is understood that by propounding this question Mr. Lincoln forced the Senator into a position which he reluctantly found himself obliged to assume, and wrung from him a reply which he was loath to give. It is further understood that Mr. Lincoln, in propounding the question, could only surmise what position the Senator would take, but that he believed that the Senator would be driven to answer the question in the affirmative in order to keep his hold upon the people of Illinois and retain his seat in the Senate, and that for the purpose of forcing the Senator to this position Mr. Lincoln deliberately placed in jeopardy his own chances of election.

It is believed that Mr. Lincoln was warned by his political friends against asking this question, but that he persisted in his determination to do so (although by so doing he imperilled his own chances of being elected to the Senate), with the deliberate purpose of forcing Senator Douglas, as the only hope of his being reëlected to the Senate, into a position that would defeat him for the Presidency.

This view of this matter is supported by so much authority and so generally accepted as to make it seem like presumption to question its correctness.

Arnold in his "Life of Lincoln," page 151, says that a friend to whom



the question was shown said to Mr. Lincoln: "Douglas will adhere to his doctrine of 'squatter sovereignty' and declare that a Territory may exclude slavery."

"If he does that," said Mr. Lincoln, "he can never be President."

"But," said the friend, "he may be Senator."

"Perhaps," replied Lincoln, "but I am after larger game — the battle of 1860 is worth a hundred of this."

Horace White, the distinguished editor, at the time of the contest was a young newspaper correspondent, and wrote the most graphic and interesting accounts of the campaign. In an article written in 1890, which may be found in Herndon's life of Lincoln, Mr. White tells of a conference held at Dixon, just before the Freeport debate, between Mr. Lincoln and a number of his friends from Chicago, among whom were Norman B. Judd and Dr. C. H. Ray, the latter the chief editor of *The Tribune*. "I was not present," says Mr. White, "but Dr. Ray told me that all who were there counselled Mr. Lincoln not to put that question to Douglas, because he would answer it in the affirmative, and thus probably secure his reelection."

It was their opinion that Lincoln should argue strongly from the Dred Scott decision, which Douglas indorsed, that the people of the Territories could not lawfully exclude slavery prior to the formation of a State Constitution, but that he should not force Douglas to say yes or no. They believed that the latter would let the subject alone as much as possible, in order not to offend the South, unless driven into a corner.

Mr. Lincoln replied that to draw an affirmative answer from Douglas on this question was exactly what he wanted, and that his object was to make it impossible for Douglas to get the vote of the Southern States in the next Presidential election.

In the same article, near its close, Mr. White says: "Perhaps the Charleston schism would have taken place, even if Douglas had not been driven into a corner at Freeport and compelled to proclaim the doctrine of 'unfriendly legislation,' but it is more likely that the break would have been postponed a few years longer."

Nicolay and Hay, in their exhaustive history of Abraham Lincoln, make the following statement:

"There is a tradition that on the night preceding the Freeport debate Lincoln was catching a few hours' rest at a railroad centre named Mendota, to which place the converging trains brought, after midnight, a number of excited Republican leaders on their way to attend the great meeting at the neighboring town of Freeport. Notwithstanding the late hour, Mr. Lincoln's bedroom was invaded by an improvised caucus, and the ominous question was once more brought under consideration.

"The whole drift of advice ran against putting the interrogatory to Douglas, but Lincoln persisted in his determination to force him to answer it.

"Finally his friends in a chorus cried: 'If you do you can never be Senator.'



“‘Gentlemen,’ replied Lincoln, ‘I am killing larger game. If Douglas answers he can never be President, and the battle of 1860 is worth a hundred of this.’”

These quotations from the writers of the highest character might be supplemented by many similar quotations from others. The truth of these statements, so far as the writer knows, has never heretofore been questioned.

A novel by Winston Churchill, entitled “The Crisis,” which has been recently published, attempts to give an account of the alleged interview between Mr. Lincoln and his friends on the eve of the Freeport debate.

In this account the interview is assumed to have taken place on a railway train, and the parties, as stated, were Mr. Lincoln, Joseph Medill, Norman B. Judd, and Mr. Hill (the last meaning probably Robert R. Hitt), and Stephen Brice, the hero of the story.

The writer tells of Mr. Lincoln reading to the gentlemen the four questions he intended to propound at Freeport, and proceeds with his account of the interview as follows:

“‘We don’t care about any of the others,’ answered Mr. Medill, ‘but I tell you this, if you ask that second one you will never see the United States Senate.’

“‘And the Republican party of this State will have a blow from which it cannot recover,’ added Mr. Judd, chairman of the committee.

“‘Mr. Lincoln did not appear to hear them. His eyes were far away over the wet prairie.

“‘Stephen held his breath, but neither he nor Medill nor Judd nor Hill guessed at the pregnancy of that moment. How were they to know that the fate of the United States of America was concealed in that question — was to be decided that day on a rough wooden platform at Freeport, Illinois?’”

After some further rhapsodies of the author of this story, he makes “Abe and Joe and Judd” continue the conversation in a similar strain, and Mr. Lincoln reads to them the question under consideration:

“‘Can the people of a United States Territory, in any lawful way, against the wish of any citizen of the United States, exclude slavery from its limits prior to the formation of a State Constitution?’”

This evoked, according to the author of “The Crisis,” more warnings and protests from “Joe and Judd,” to which Mr. Lincoln offered a reply, in the course of which he is made to say:

“‘I’ll tell you why I’m in this campaign — to catch Douglas now, and keep him out of the White House in 1860; to save this country of ours. Joe, she’s sick.’

“‘Suppose he answers yes — that slavery can be excluded?’ questioned Mr. Judd.

“‘Then,’ said Mr. Lincoln, ‘then Douglas loses the vote of the great slaveholders, the vote of the solid South, that he has been fostering ever since he has had the itch to be President. Without the solid South, the little giant will never live in the White House. And unless I’m mightily

mistaken Steve Douglas has had his eye as far ahead as 1860 for some time.'"

Not satisfied with all this the author in commenting upon the question and answer as they were heard at Freeport, exclaims:

"What man amongst those who heard and stirred might say that these minutes, even now lasting into eternity, held the crisis of a nation that is the hope of the world? Not you, Judge Douglas, who sits there smiling. Consternation is a stranger in your heart — but answer that question if you can. Yes, your nimble wit has helped you out of many a tight corner. You do not feel the noose — as yet. Can you not guess that your reply will make or mar the fortunes of your country?"

With all that has been quoted and much more, for which we have not space, giving the same understanding of the matter under consideration, it may, as has been said, seem presumptuous to question the correctness of views so generally accepted. It is important, however, that the truth be known. This is due to the memory of Senator Douglas, to that of Mr. Lincoln, and of all the others whose names have been mentioned, and, if there has been a mistake, it ought to be corrected. We are convinced that there has been a mistake — that injustice has been done, and therefore we ask that the matter be reconsidered.

The answer of Senator Douglas at Freeport to the question under consideration was, after repeating it, as follows:

"I answer emphatically, as Mr. Lincoln has heard me answer a hundred times from every stump in Illinois, that, in my opinion, a Territory can, by lawful means, exclude slavery from their limits prior to the formation of a State Constitution. Mr. Lincoln knew that I had answered that question over and over again. He heard me argue the Nebraska bill on that issue in 1854, in 1855, in 1856, and he has no excuse for pretending to be in doubt as to my position on that question. It matters not what the Supreme Court may hereafter decide, as to the abstract question whether slavery may or may not go into a Territory under the Constitution, the people have the lawful means to introduce it or exclude it as they please, for the reason that slavery cannot exist a day or an hour anywhere unless it is supported by local police regulations.

"Those police regulations can only be established by the local Legislature, and if the people are opposed to slavery they will elect members to that body who will, by unfriendly legislation, effectually prevent the introduction of it in their midst. If, on the contrary, they are for it, then legislation will favor its extension. Hence, no matter what the decision of the Supreme Court may be upon that abstract question, still the right of the people to make a slave Territory or a free Territory is perfect and complete under the Nebraska bill."

Thus we see that the Senator answered, as it is claimed was predicted by Mr. Lincoln's friends, at the alleged conferences held at Mendota and Dixon, and on a flying railway train.

It will be observed that in this reply the Senator says:

"I answer emphatically, as Mr. Lincoln has heard me a hundred times

from every stump in Illinois. . . . He heard me argue the Nebraska bill on that principle all over the State in 1854, in 1855, in 1856," etc.

This of itself should have satisfied every one that ever knew Senator Douglas that in replying to the question he had enunciated no new doctrine, but the same he had proclaimed many times before. Every one who knew Senator Douglas knew that he was incapable of making that statement unless it had been substantially true. In the three years that had elapsed he had probably enunciated that doctrine more than a hundred times — certainly many times.

Fortunately we are not left to rely upon the Senator's unsupported statement in regard to this matter. We have — I will not say the evidence — we have the proof that in the same campaign, six weeks before the question was asked him at Freeport, Senator Douglas, in the presence of Mr. Lincoln and a large audience, proclaimed the same doctrine enunciated at Freeport, and we also have the proof that on the following day before another audience he again proclaimed the same doctrine.

That campaign of 1858 between Lincoln and Douglas was opened by Mr. Lincoln with his prophetic address before the Illinois State Republican convention on June 17, in which, after exclaiming that "a house divided against itself cannot stand," he declared: "This Government cannot endure permanently half slave and half free," etc.

Upon his coming home from Washington some time thereafter, Senator Douglas was, on July 9, given a public reception at Chicago, when he replied to Mr. Lincoln's Springfield address. Mr. Lincoln was present and heard this Chicago address, and on the next evening, the tenth, he made a speech in Chicago replying to the Senator.

On Friday, July 16, Senator Douglas spoke at Bloomington, and Mr. Lincoln was present. On the next day, Saturday the seventeenth, Senator Douglas spoke at Springfield in the afternoon. Mr. Lincoln was not present, but he himself spoke at the same place in the evening. (That Springfield speech, in which the Senator used almost the precise language upon this matter as at Bloomington, was published in full in *The Illinois State Register* on Monday, the nineteenth. See files of *The Illinois State Register* in the State library at Springfield.)

Senator Douglas's speech at Bloomington, it will be observed, was made on the sixteenth of July. The Freeport debate was held on the twenty-seventh of August, six weeks later. Not being limited in time at Bloomington and Springfield as in the joint debates, the Senator could elaborate his views fully.

Let us see what Senator Douglas said upon the question under consideration six weeks before it was propounded to him at Freeport in the presence of Mr. Lincoln and a large audience at Bloomington, and which he repeated on the next day at Springfield. This is what he said:

"Mr. Lincoln is alarmed for fear that under the Dred Scott decision slavery will go into all the Territories of the United States. All I have to say is that, with or without that decision, slavery will go just where the people want it, and not one inch further. You have had experience upon

that subject in the case of Kansas. You have been told by the Republican party that from 1854, when the Kansas-Nebraska bill passed, down to last winter, that slavery was sustained and supported in Kansas by the laws of what they call a 'bogus' Legislature. And how many slaves were there in the Territory at the end of last winter? Not as many at the end of that period as there were on the day the Kansas-Nebraska bill passed. There was quite a number of slaves in Kansas, taken there under the Missouri Compromise, and in spite of it, before the Kansas-Nebraska bill passed, and now it is asserted that there are not as many there as there were before the passage of the bill, notwithstanding that they had local laws sustaining and encouraging it, enacted, as the Republicans say, by a 'bogus' Legislature, imposed upon Kansas by an invasion from Missouri.

"Why has not slavery obtained a foothold in Kansas under these circumstances? Simply because there was a majority of her people opposed to slavery, and every slaveholder knew that if he took his slaves there the moment that majority got possession of the ballot boxes, and a fair election was held, that moment slavery would be abolished and he would lose them. For that reason, such owners as took their slaves there brought them back to Missouri, fearing that if they remained they would be emancipated.

"Thus you see that under the principle of popular sovereignty, slavery has been kept out of Kansas, notwithstanding the fact that for the first three years they had a legislature in that Territory favorable to it.

"I tell you, my friends, it is impossible under our institutions to force slavery on an unwilling people. If this principle of popular sovereignty asserted in the Nebraska bill be fairly carried out, by letting the people decide the question for themselves, by a fair vote, at a fair election, and with honest returns, slavery will never exist one day, or one hour, in any Territory against the unfriendly legislation of an unfriendly people.

"I care not how the Dred Scott decision may have settled the abstract question so far as the practical result is concerned, for, to use the language of an eminent Southern senator, on this very question:

"'I do not care a fig which way the decision shall be, but it is of no particular consequence; slavery cannot exist a day or an hour, in any Territory or State, unless it has affirmative laws, sustaining and supporting it, furnishing police regulations and remedies; and an omission to furnish them would be as fatal as a constitutional prohibition. Without affirmative legislation in its favor slavery could not exist any longer than a new-born infant could survive under the heat of the sun, on a barren rock, without protection. It would wilt and die for want of support.'

"Hence," continued Senator Douglas, "if the people of a Territory want slavery they will encourage it by passing affirmatory laws and the necessary police regulations, patrol laws, and slave code; if they do not want it, they will withhold that legislation, and by withholding it slavery is as dead as if it was prohibited by a constitutional prohibition, especially if in addition their legislation is unfriendly, as it would be if they were opposed to it.



"They could pass such local laws and police regulations as would drive slavery out in one day, or one hour, if they were opposed to it, and therefore, so far as the question of slavery in the Territories is concerned, so far as the principle of popular sovereignty is concerned, in its practical operation, it matters not how the Dred Scott case may be decided with reference to the Territories. My own opinion on that law point is well known. It is shown by my votes and speeches in Congress.

"But, be it as it may, the question is an abstract question, inviting no practical results, and whether slavery shall exist or shall not exist in any State or Territory will depend upon whether the people are for or against it, and whichever way they shall decide it in any Territory or in any State will be entirely satisfactory to me."

[See "Political Debates and Speeches of Lincoln and Douglas," Follett, Foster & Co., Columbus, Ohio, 1860, page 34, which presents Mr. Lincoln's speeches as they appeared in *The Chicago Tribune* and Mr. Douglas's as they appeared in *The Chicago Times*.]

It must be apparent to every candid person who has before him these words spoken by Senator Douglas at Bloomington and Springfield that there has been some mistake about Senator Douglas having been at Freeport, six weeks afterward, "forced" or "driven" into a corner and "compelled to proclaim the doctrine of 'unfriendly legislation.'"

With the speeches of Senator Douglas at Bloomington and Springfield before us is it not apparent to every candid mind that great and cruel injustice has been done to Senator Douglas?

In the light of those speeches at Bloomington and at Springfield is it not likewise apparent that a wrong has been also inflicted upon Mr. Lincoln? After having heard that Bloomington speech and read it in the newspapers where it was published, how could Mr. Lincoln, honest man that he was, have said what has been attributed to him in those alleged conferences, and how could he have silently listened to what has been attributed to others who are alleged to have taken part in the discussion? Does it not convict him of being guilty of disingenuousness, or of something worse, which every one who knew Mr. Lincoln knows was impossible? To say that Mr. Lincoln was not perfectly familiar with and that he did not understand and had not weighed the effect of every sentence and line of Senator Douglas's Bloomington and Springfield speeches, is to assume that he was entirely unequal to the great contest in which he was engaged.

To say that Senator Douglas could have been so easily "driven into a corner and compelled to proclaim the doctrine of 'unfriendly legislation'" is to assume that the foremost statesman and the ablest debater in Congress was a person of very ordinary ability. It is to detract from the high estimation in which are held both of the mighty contestants and to rob them of the laurels they so richly earned.

With Senator Douglas's Bloomington and Springfield speeches before us, to say that such a conference as is alleged, was held on the day before the Freeport debate, is a reflection upon Joseph Medill, C. A. Ray, Norman B. Judd, Robert R. Hitt and others — the ablest men in Illinois of that



day, — who were watching with intense interest and anxiety every move of Senator Douglas. That some of them, years after the death of both Lincoln and Douglas, thought they could recall such a conference simply shows a defective memory in having forgotten the speeches at Bloomington and Springfield.

But why, it may be asked, if not for the purpose of driving the Senator into a corner and of wringing from him an unwilling answer, did Mr. Lincoln propound the second interrogatory?

The same question might be asked in regard to either of the three other interrogatories. Why did Mr. Lincoln propound the first, the third, or the fourth? A more relevant question would be, how did Mr. Lincoln with such consummate wisdom formulate the four interrogatories? If one will study these together he will find that, with the sagacity of a philosopher and the instinct of the keen and discriminating lawyer he was, Mr. Lincoln made and arranged those interrogatories, following one another in logical sequence, each relating directly to and necessary to the other, in order to attain the result for which they were intended, which was to make up and so plainly define the issues of the campaign that they would be clear to everybody. With this end in view, neither interrogatory could be omitted. It was in the quality of mind that enabled him to marshal, combine and make the most of interrogatories, syllogisms, metaphors, anecdotes, and, indeed, every kind and form of reasoning and illustration, that Mr. Lincoln excelled Senator Douglas. This is apparent throughout all the debates, from the first meeting at Ottawa to the last one at Alton.

But all this is irrelevant to the question under consideration. If it is true that Senator Douglas had in as public a manner, before thousands of people, repeatedly, long before the Freeport debate, declared himself as fully and freely and explicitly upon the question under consideration, as he did at Freeport, and that Mr. Lincoln had heard that declaration as it fell from the lips of the Senator, and that all persons interested in the contest must have known his position, it is cruel and outrageous to say that he "was driven into a corner at Freeport and compelled to proclaim the doctrine of 'unfriendly legislation'" — that he was forced to say "yes" or "no" — that he had been driven to put his head into a "noose" and could only hope to extricate himself through his "nimble wit," etc.

There seems to be a disposition in some quarters to belittle Senator Douglas. There are those who seem to think that by so doing they exalt Mr. Lincoln. By so doing they are really depreciating Mr. Lincoln.

It was because Mr. Lincoln manfully met and, according to the judgment of the American people, overcame the mightiest debater and orator in public life, the majesty of whose forensic power moved and controlled the United States Senate and vast assemblages of people and great representative conventions, and dictated the policy of the nation; it was because Mr. Lincoln bravely met and successfully coped with such a personage, that he was held in such estimation as to be accorded the highest honors the people could bestow.

The character of Abraham Lincoln was so exalted that after we have

freely and generously given the full meed of glory they earned to all those with whom he came in contact or was associated, whether adversaries with whom he contended or statesmen he called into his cabinet, he still majestically towers above them all. The whole civilized world enshrines him among the immortals. His glory can neither be illumined nor dimmed by anything we may put forth or withhold. As with devotion akin to worship we recall his resplendent personality, sublime, benignant, considerate, let us not be unmindful of what is due to those with whom he lived and moved and acted. There was no envy, nor hatred, nor malice in his nature. He was always just. We can in no better way manifest our high appreciation of his resplendent virtues than by doing justice to his illustrious adversary.

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